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THE NATIONAL RESOURCES PLANNING BOARD; A CHAPTER IN AMERICAN PLANNING EXPERIENCE

CHARLES E. MERRIAM
University of Chicago

In its 1933 report, President Hoover's Committee on Recent Social Trends suggested that there might in time emerge a "National Advisory Council" to consider fundamental questions of the social, economic, and governmental order, in their interrelation and in the light of the trends and possibilities of modern science.[1] This would involve neither "economic planning" nor "governmental planning" primarily, but a comprehensive consideration of all the social factors involved in the formation of national policy.

In July, 1933, the National Planning Board was set up by Administrator Ickes as a part of the Public Works Administration of that time. The membership consisted of Frederic A. Delano, chairman; Wesley C. Mitchell (chairman of President Hoover's Committee above mentioned); and Charles E. Merriam (vice-chairman of the same committee).

In 1934, this agency was made a presidential board by executive order and was composed of the Secretary of the Interior as chairman, the Secretaries of Agriculture, Commerce, and Labor, the Federal Emergency Relief Administrator, and the three members of the old Board. An Advisory Committee consisting of Messrs. Delano, Mitchell, and Merriam were placed in active charge of the work.[2]

In 1939, the National Resources Planning Board was established by congressional action as a part of the Executive Office of the President, with three members, Messrs. Delano, Merriam, and Yantis, appointed by the President and confirmed by the Senate.

[1] See *A Plan for Planning* (1934), p. LXIII.

[2] The National Resources Committee was the name given this agency from 1935 to 1939. It included the above-mentioned cabinet members plus Delano, Merriam, Ruml, and Dennison.

Messrs. Beardsley Ruml and Henry Dennison sat as advisers at all meetings of the Board, and Mr. Charles Eliot was director throughout the period. The Board was discontinued as of October 1, 1943.

Between the first report of the Board, curiously enough called the "Final Report," in 1934 and the "Resources Development" report of 1943 stretch a long series of intermediate reports, bulletins, digests, and memoranda, and technical papers.[3] The two reports mentioned—the first sometimes called a "plan for planning" and the other a broad statement of a basic program of national planning—sum up the problems and difficulties of planning in the United States.[4]

Said the Board in its 1934 report: "The experience of our day shows that no system, political or economic, unless it faces frankly the grave realities of modern economic and governmental life and boldly takes the initiative in broad plans for a better day, can be protected against explosion that wrecks and twists, while social discontent struggles to build some new structure promising more to the body and soul of those who feel themselves disinherited by the existing order of things."[5]

The primary function of the Board was that of advice to the President on problems of long-range planning. Board meetings were held on an average of once a month, and covered from two or three days to five weeks. Many conferences were held with the President in which suggestions were made by him or to him, long-time programs were set up, progress and final reports were made and discussed. All public reports of the Board were "White House releases." In addition to this, advice was asked from the Board on a variety of proposals and problems in the field of national planning, as for illustration the Columbia River development. An agenda of proposals was regularly presented to the Executive; and unless otherwise directed, it was understood that the "green light" was given to go ahead with the agenda.

I do not recall any instance of partisan politics entering into any of the many conferences and discussions. "Planning" had been a

[3] The seventy major and many minor publications of the Board are itemized in mimeographed form (5 pp.), and notes covering the outlines of the Board's activities, are found in "Guide to the Files of the NRPB" by Eliot and Merrill, December 31, 1943. A bibliography of Board publications is published by the American Society of Planning Officials, as publication number BB14 (1944).

[4] See especially pp. 22 and 23 on why business alone cannot plan successfully; also the chapters on the rôle of science in planning. [5] P. 22.

special interest of the President while governor of New York, especially rural planning, and he was at all times keenly concerned with the over-all view of national resources development. The Board's first general assignment was the preparation of a comprehensive report on land and water resources (1934). By the Reorganization Act of 1939, the Board was required to prepare a continuing six-year program of public works, and further to report to the President on the industrial situation of the nation, with especial reference to possible slumps in the business cycle.

Major reports were transmitted to the Congress by the President for their consideration and action. There was no congressional committee on planning to which all recommendations might regularly be made, although such committees have since been set up in both houses. Such committees and a joint committee on planning representing both houses were frequently urged by the Board and by others as a channel of communication between the executive and the legislative branches of the government. After many years of effort, it has been possible to set up both executive and legislative agencies for dealing with personnel and with budget, but not thus far for planning. When these three arms of personnel, budget, and planning of the general staff are twinned by three arms of the Congress, the way will be clearer and easier for both the Executive and Congress.

A continuing activity of the Board was clearance of information, projects, and ideas between (1) federal agencies, (2) federal, state, and local regional agencies, and (3) public and private agencies in these areas and functional groupings. Conferences and consultations were held for this purpose both in Washington and in the field. Special efforts were made by the Board in the direction of consultations with business, labor, agriculture, and with the special federal agencies concerned with aspects of planning (after the cabinet membership basis was altered). Many of these repeated conferences were of the very greatest value in the determination of lines of national policy. A special liaison was made with the Federal Reserve Board by the designation of reciprocal members of the two boards for this purpose.

The staff organization consisted of technicians recruited from many fields, supplemented by a number of part-time consultants who were available for service from time to time, either in Washington or in their own stations. A very considerable amount of

assistance was given to state and regional planning agencies through full-time or part-time technicians employed for such purposes; and a vast amount of service was rendered by volunteers from many fields.

The technical staff was organized in sections or divisions, with Thomas Blaisdell, Gardiner Means, Spurgeon Bell, and others in the industrial division; Watkins, McLaughlin, and others in the area of power and transportation; Henry Waite and Frank Herring in public works, along with many notable consultants such as Dean Saville. In urbanism, there were Segoe, Ascher, Orton, Mitchell, and many others. Luther Gulick was in charge of post-war programs, and John Miller was in general charge of a number of state and regional advisers.[6]

Much of the work of the Board was carried on through technical committees, made up of federal agency personnel, plus other officials and citizens. The Land Committee, for example, was composed of William I. Myers, chairman, then head of the department of agricultural economics and farm management in the College of Agriculture at Cornell University; Oscar L. Chapman, assistant secretary, Department of the Interior; Charles C. Colby, professor of geography, University of Chicago; Philip H. Cornick, Institute of Public Administration; M. S. Eisenhower, assistant director, Office of War Information; Charles A. Lory, president emeritus, Colorado State College of Agriculture and Mechanical Arts; Lee Muck, assistant to the secretary in charge of land utilization, Department of the Interior; R. L. Thompson, president, Federal Land Bank of New Orleans; H. R. Tolley, chief, Bureau of Agricultural Economics; E. H. Wiecking, land use coördinator, Department of Agriculture; Joel D. Wolfsohn, assistant commissioner, General Land Office; and John B. Bennett, secretary.

The Science Committee brought together members from the National Research Council, the Social Science Research Council, the American Council of Learned Societies, and the American Council on Education, all under the chairmanship of Dr. E. B. Wilson of Harvard University. This was the one place in the country where these important elements and agencies came together.

The inquiries and recommendations of the Planning Board covered a broad range of national problems, including the field of

[6] On the discontinuance of the Board, almost all these persons were transferred to important positions in other agencies of the government.

public works,[7] embracing regional and local developments; power[8] and transportation;[9] land[10] and water[11] use; urbanism[12] and regionalism;[13] the structure of the national economy,[14] including consumers' budget;[15] housing; a broad study of social security;[16] the demobilization of veterans;[17] scientific inquiries into population, 1937–1942;[18] technology and trends, 1937;[19] research as a national resource (1938);[20] and a sweeping plan for development of national resources (1943 report). An adequate analysis of these reports, even of the seventy major reports, and of their findings, conclusions, and recommendations, together with an appraisal of their significance in substance and in accomplishment, would require more pages than this article would permit.

The underlying philosophy of the Board was expressed in what was called "A New Bill of Rights," supplementing earlier and existing rights already accepted:[21] (1) the right to work usefully and creatively through the productive years; (2) the right to fair play, adequate to command the necessities and amenities of life in exchange for work, ideas, thrift, and other socially valuable service; (3) the right to adequate food, clothing, shelter, and medical care; (4) the right to security, with freedom from fear of old age, want,

[7] Of special note was J. M. Clark, *Economic Planning of Public Works*, and the annual reviews of public works problems and policy; also the regional resources development projects.

[8] *Energy Resources and National Policy* (1939), and supplements.

[9] *Transportation and National Policy* (1942).

[10] Report of Land Planning Committee of 1934, and a series of subsequent analyses and recommendations, notably the report of the Northern Great Plains Committee.

[11] Report of the Water Planning Committee (1934) and reports on various drainage areas, and other collateral reports.

[12] *Our Cities* (1937), and supplementary reports.

[13] *Regional Factor in National Planning* and regional reports of succeeding years, especially *Regional Resources Development* (1942) and reports on the Pacific Northwest (1942), the South East (1943), the Arkansas Valley (1943), and others.

[14] *Patterns of Resources Use* (1938); *Structure of the American Economy* (1939); *Toward Full Use of Resources* (1940), and regional studies.

[15] *Consumer Incomes* (1938); *Consumer Expenditures* (1939).

[16] *Security, Work, and Relief Policies* (1942).

[17] *Demobilization and Readjustment; Report of the Conferences on Post-War Readjustment of Civilian and Military Personnel* (1943).

[18] *Problems of a Changing Population* (1938); also L. K. Frank, *Human Conservation* (1943).

[19] *Technological Trends and National Policy* (1937).

[20] *Research—A National Resource* (1938–41).

[21] *Our Freedoms and Rights* (1942). Cf. C. E. Merriam, *On the Agenda of Democracy* (1941); Beardsley Ruml, *Unfinished Business* (1943).

dependency, sickness, unemployment, and accident; (5) the right to live in a system of free enterprise, free from compulsory labor, irresponsible private power, arbitrary public authority, and unregulated monopolies; (6) the right to come and go, to speak or to be silent, free from the spyings of secret political police; (7) the right to equality before the law, with equal access to justice in fact; (8) the right to education for work, for citizenship, and for personal growth and happiness; and (9) the right to rest, recreation, and adventure, the opportunity to enjoy life and take part in an advancing civilization.

The practical program of the Board was based upon the idea of a dynamic expanding economy on the order of 100 to 125 billions of national income. The Board recognized that we stand on the threshold of an economy of abundance, attainable if the will and the skills are made available. If we can buy what we make, industry and labor can be stabilized and the standards of living raised notably, perhaps in the ratio of one-third to one-half.

With this in mind, the Board contended that it should be the declared policy of the United States government, supplementing the work of private agencies as a final guarantor if all else failed, (1) to underwrite full employment for employables; (2) to guarantee a job for every man released from the armed forces and the war industries at the close of the war, with fair pay and working conditions; and (3) to guarantee and, when necessary, underwrite equal access to security, equal access to education for all, equal access to health and nutrition for all, and wholesome housing conditions for all.

More specifically, the Board's recommendations embraced plans for transition from war to peace, including (1) demobilization of men from the armed forces and war industries; (2) demobilization of war plants, machines, and war contracts, and (3) demobilization of war-time economic controls. They included also plans for the development of an expanding economy through the coöperation of government and private enterprise; plans for private enterprise; plans for finance and fiscal policies; plans for improvement of physical facilities, including urban redevelopments; transportation, energy, land, and water projects; and finally essential safeguards of democracy.

There were further plans for service and security: plans for development of service activities, including nutrition, education, and

health; plans for underwriting employment; plans for development of social security, including programs of security and public aid supplementing existing conditions. And finally there were plans for action by state and local governments and regions.

Attention was called to the urgency of measures to encourage the healthy and aggressive development of private enterprise, to stimulate initiative and resourcefulness of management, and to open the channels of investment opportunity, large and small. There was stressed the significance of measures to prevent the abuse of economic power or monopolistic privilege, and of measures to eliminate avoidable uncertainties and needless burdens in the laws affecting enterprise and in their administration.

Essential safeguards of democracy were not omitted. Plans were urged to prevent the rise of new industrial oligarchies during the war or during the period of readjustment following the cessation of hostilities, including enforcement of anti-trust laws to break up monopolies and provide opportunities for small business enterprises; and adequate provisions for upholding the right of labor to collective bargaining, fair wages and hours, healthy and effective working conditions, responsibility in organization, and sharing in management. Measures to maintain the fair share of farmers in the benefits of an expanding economy, with opportunity for higher standards of living and greater security, were also urged.

To summarize the work of the Board:

1. By far the most important function of the Board was advice given to the President, and through him to Congress and the public, upon long-range planning policies. Sometimes this counsel was in entirely new fields, and again in the coördination and integration of existing plans which tended to clash with each other, as in public works projects.

2. The clearance of information, plans, and projects within the federal government and various levels of government, national, state, and local, was of prime importance, and was a service which was not and could not be performed by any other agency. Even in the private field, the Board served as a point of clearance through its Science Committee for the Social Science Research Council, the National Research Council, the American Council of Learned Societies, and the American Council on Education with its twenty-seven branches.

3. Another function was the stimulation of interest and activity

in planning, nationally, in states, regions, and cities, and in private fields as well. State and regional planning boards were aided and stimulated to new fields of action, and city boards were revived and rejuvenated in many instances. City planning on a far broader basis was encouraged, while state planning, starting with the older conservation boards, many of which had fallen away, took on new vigor and a significant position in the life of the commonwealth.[22]

4. Interest in post-war planning was stirred by the various Board reports on this problem, beginning in 1941 with *After Defense What?* and continued in 1942 in *Toward Full Employment* and *Toward Security*, both of which were given wide circulation. At first these reports were challenged as constituting unwise interferences with the war program, but it was soon seen that winning the peace was of equal importance with winning the war.

5. Notable advances were made in the field of public works, especially in the preparation of six-year budgets of federal public lands as required by the Employment Stabilization Act. States and cities were aided also in the development of systematic long-range capital budgets. Far-reaching plans for regional works (land and water) were prepared. The analysis of the relationship of public works to the business cycle was more carefully analyzed and presented than ever before.

6. Closely related to this was the broad program for development of national resources, including land, water, power, and minerals, in every region of the land. Much of this indispensable material was made available to the War Production Board through effective liaison with that agency by members of the Board staff in this field. The power and transportation programs of the Board were little noticed in the excitement of the moment, but contained elements of substantial value.

7. The urbanism report of the Board in 1937 and supplementary research and recommendations set a standard for municipalities. Staff advice and assistance were of substantial value to many cities in formulating their programs.[23]

8. The report on security, work, and relief policies provided for a broad program in the field of education, health, old age insurance

[22] See Clifford Hynning, *State Conservation of Resources* (1939).

[23] This report was translated into Spanish, and was widely circulated in Britain.

and assistance, and for unemployment insurance.[24] These proposals at first were characterized as the "American Beveridge Plan," but were undertaken long before the British plan, and in fact were used by Beveridge in the preparation of his report. It happened that the Beveridge plan appeared several months earlier. These proposals were at first severely criticized, but in the course of time the general principles of the security reports were accepted without much regard to political parties.[25]

9. The Board's development of the idea of an expanding dynamic economy as the basis of national welfare, of economic stabilization, and of higher standards of living. The early analyses of the structure of the American economy, the elaborate studies of consumer income and budgets, the emphasis on thinking in terms of national income—these were of far-reaching importance and influence.[26] "If we can buy what we can make" was the formula with which unemployment and standards of living were attacked. This was generally challenged at first, but was gradually accepted and made a standard formula of action by many leaders of national policy in all groups. The 100 to 125 billion estimate of necessary national income which the Board set forth in its earlier reports rose, however, to 140 billions and beyond in subsequent estimates of others.

10. The report of the Board (1943) on demobilization of the armed forces of the United States was generally accepted and became the basis of the "G.I. Bill of Rights" adopted enthusiastically by Congress. The detailed report of the Conference of which Floyd Reeves was chairman was the basis of this action.[27] The recom-

[24] Compare the Beveridge Report (1943) and the British White Paper on Insurance (1944).

[25] The Committee for Long Range Work and Relief Policies had the following members: William Haber, chairman, director of the bureau of program planning and research, War Manpower Commission; W. W. Alexander, chief of minorities service, War Manpower Commission; C. M. Bookman, executive vice chairman, Community Chest of Cincinnati; Corrington Gill, consultant, War Department; The Rt. Rev. Francis J. Haas, dean, School of Social Science, Catholic University of America; Fred K. Hoehler, executive director, American Public Welfare Association; Katherine F. Lenroot, chief, Children's Bureau, Department of Labor; Mary E. Switzer, assistant to the administrator, Federal Security Agency; Thomas J. Woofter Jr., director of research, Federal Security Agency; and Eveline M. Burns, economist.

[26] See A. G. Gruchy, "Economics of the NRC," in *American Economic Review*, Mar., 1939.

[27] The Conference on Post-War Adjustment of Personnel was composed as follows: Floyd Reeves, chairman, University of Chicago; Lt. Col. Francis T. Spauld-

mendations called for three-month veterans' furloughs at not exceeding $300 a month, unemployment compensation if no job was available, special aid and counsel and readjustment and rehabilitation, special provision for picking up the broken threads of interrupted education, veterans' credit for old age and survivors insurance, opportunity for agricultural employment and settlement in various cases (this in addition to existing provisions for rehabilitation and training under earlier laws).

11. Some of the most important suggestions of the National Resources Planning Board came within the field of over-all governmental management. One of these was the recommendation by the Board that there be established a committee on over-all management; and from this sprang the President's Committee on Administrative Management, leading in turn to the establishment of the Executive Office of the President and to a great variety of other measures relating to the improvement of central administrative direction. A considerable part of this program was enacted in 1939 and put into effect at various points in the administrative service as time went on. But the end is not yet.

Another recommendation was for the establishment of an Advisory Committee on Fiscal and Monetary Control, including the Secretary of the Treasury, the Governor of the Federal Reserve Bank Board, the Director of the Budget, and the chairman of the National Resources Planning Board. This body, which functioned for a short time, demonstrated the possibilities of unified fiscal organization and direction, a problem which still unfortunately remains unsolved in our federal structure.

I shall not undertake to unsnarl the tangled threads of the liquidation of the Board, although supported by many leaders of both parties. Congressional-Executive rivalry, attitudes toward the New Deal, difficulties with the personnel problem, the general fear of planning as an entering wedge to total "economic planning,"

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ing, Special Services Branch, in charge of education, War Department; Gen. Lewis B. Hershey, director, Selective Service System; Brig. Gen. Frank T. Hines, director, Veterans' Administration; Edward C. Elliott, chief, Professional and Technical Employment and Training, War Manpower Commission; William Haber, chairman, Planning Committee, War Manpower Commission; T. J. Woofter, director of research, Federal Security Agency; A. F. Hinrichs, Bureau of Labor Statistics; Howard R. Tolley, chief, Bureau of Agricultural Economics, Department of Agriculture; Lt. Comdr. Ralph A. Sentman, United States Navy (retired); and Francis J. Brown, Joint Army and Navy Committee on Welfare and Recreation.

all played a part. These have been almost forgotten already and the sounder view now prevails.

Every over-all office in government, or outside government for that matter, encounters and must overcome many like obstacles in the organizational field. The civil service, the budget, the general staff in the Army, are all striking illustrations of the persistent rivalry between line and staff agencies of action. Rivalries between the Congress and the Executive, between political parties, between central and local agencies of government, between economic classes and interests, will go on, but the function of planning, in local, state, and national government, in private as well as in public government, is firmly established as a part of community policy.[28]

Since the discontinuance of the Board, its functions have been distributed among a wide variety of agencies, central and local, public and private.[29] State and city planning boards have been more active than ever before in elaborating community plans. Private agencies are likewise numerous and prolific, among the more conspicuous being the National Planning Association, the Committee for Economic Development, the Twentieth Century Fund, and innumerable committees of industry, business, labor, and agriculture. On the whole, there has been far more planning than ever before, on all levels of government and society.

The nearest approach to a central clearing house of activities is found in the American Society of Planning Officials, which carries on important and useful work under the directorship of Walter Blucher. The Council of State Governments, the American Municipal Association, the City Managers' Association, and other like organizations are actively engaged in the task of elaborating adequate planning in their fields.

In Washington, the work of planning is carried on from the legislative side by Senator George's Committee on Post-War Planning and by Representative Colmer's Committee on Post-War Planning.[30] A huge highway planning program and many other works programs are scattered among several congressional committees. On the administrative side, various planning duties have been devolved upon the Bureau of the Budget, the Federal Works Administration, the War Production Board, the Office of Economic

[28] See Dean Hudnut, "The Political Art of Planning," in *Architectural Record*, Oct., 1943. [29] See G. B. Galloway, *Guide to Post-War Planning*.

[30] See their current reports.

Stabilization, and especially the newly created Office of Demobilization and Conversion.

Experience has shown the necessity of a central planning board, appointed by the President and responsible to him, and, on the legislative side, of a joint congressional committee on planning. The latter has been repeatedly recommended, but has not thus far been realized. When there was a presidential board, there was no corresponding agency in Congress; and now when there is a congressional agency, there is no executive counterpart.

The National Planning Board should be a relatively small body, appointed by the President as his planning advisers and set up as part of the Executive Office of the President alongside the Bureau of the Budget and the Civil Service. Its members should not hold office for a fixed term, but should serve at the pleasure of the Executive. As a result of past experience, I am more thoroughly convinced than ever that they should serve on a part-time basis, rather than as a part of the regular staff.

The Board should not be composed primarily of group interests; on that basis it would tend to become a functional council of considerable size when all elements were incorporated. At least thirty members would be required, and this would in turn come back to a small executive committee of perhaps five. Occupational groups are now well organized, but national policies are to be determined by congressional action. No planning board can function as an economic council for life, as some have suggested, or for a long or short term. The representative function is the job of the Congress, selected for the very purpose of considering, balancing, adjusting, integrating, diverse and conflicting social and economic interests.[31] If we wish to set up a political society on the basis of functional groups, it is possible to do so; but this is a step backward, not forward. There are corporative or soviet types of organization, but our own form is superior, for us at any rate, and leads to a sounder kind of integration of policies and plans.

The fear that planning will interfere with the development of free industrial society is groundless. The very purpose of planning is to release human abilities, to broaden the field of opportunity, and to enlarge human liberty. We plan primarily for freedom; the ways and means and instruments are secondary to the main purpose. The right kind of planning—democratic planning—is a guaranty of

[31] See Henry Bunbury, *Planning Machinery*.

liberty and the only real assurance in our times that men can be free to make a wide range of choices.[32] Every progressive nation is now actively engaged in planning for the development of its natural and human resources, on the highest and best level. The British plans for the post-war period are especially notable.[33]

At the outset there were wide-ranging plans in the United States for land development, public debt, transportation, and industrial development, prepared by such leaders as Hamilton, Jefferson, Gallatin, and Adams. It was only after the Civil War that public planning slackened for a generation, until the turn of the century. The industrial possibilities of the United States are now fabulously greater than those afforded by our public lands or the early development of our resources. There is no more reason to fear governmental planning now than there was then.

Free enterprise has far more to fear from lack of planning than from its development and application to national resources. Between fascism, on the one hand, and monopoly and unregulated concentrations of economic power, on the other, the free industrial system and the open free market are hard pressed now. Yet it is not planning that has made difficulties in the smooth working of free competition, or fostered monopolies, cartels, racketeering, high, low, or medium, but the lack of it.

In the past few years, government has accepted types of social legislation that were a generation late, such as social security and conservation. But we still lag behind at many important points. The dramatic possibilities of the next period are far more important than either the early planning of our public lands or the later approach to belated social and humanitarian legislation.

National planning in this important field cannot be imposed from above by a few officials, but must involve the coöperation of many men and groups and rest upon free and general discussion by the public of what is involved in decisions of this kind. Government has taken no vow to cripple or destroy industry or labor or agriculture or to substitute another system of economy or to undermine morale; nor has industry any purpose in attempting to cripple or "boycott" government, whatever a few individuals may say. The future de-

[32] Ferdinand Zweig, *The Planning of Free Societies*, published by P. E. P. (Political and Economic Planning), especially "A Civil General Staff," Nov. 16, 1943; *Annual Proceedings of American Society of Planning Officials.*

[33] See White Papers on Social Insurance and Industrial Insurance (1944).

velopment of the United States will be determined, not by emotional disturbances of extremists, but by intelligence, practical judgment, invention, and organization in the best American manner.

The possibilities of planning in the United States, at any rate, have been set forth by the National Resources Planning Board in the following terms: (1) the fullest possible development of the human personality, in relation to the common good, in a framework of freedoms and rights, of justice, liberty, equality, and the consent of the governed; (2) the fullest possible development of the productive potential of all of our resources, material and human, with full employment, continuity of income, equal access to minimum security and living standards, and a balance between economic stability and social adventure; and (3) an effective jural order of the world outlawing violence and imperialism, old or new fashioned, in international relations, and permitting and energizing the fullest development of resources and rights everywhere. These aims lie well within the range of sound social planning and can be realized if we have the requisite will and patience.[34]

[34] See Merriam, "Possibilities of Planning," in *American Journal of Sociology*, Mar., 1944; "Post-War Planning," in James Lectures on Government (Third Series); and *On the Agenda of Democracy* (1941), Pt. II.

RURAL LOCAL GOVERNMENT

COUNTY AND TOWNSHIP GOVERNMENT IN 1943*

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The future of local government in the United States is likely to depend in no inconsiderable degree upon the extent to which the local units make a vital contribution toward winning the present war and solving the problems arising therefrom. It is therefore of special significance that many of the developments occurring in county and township government during 1943 were related directly or indirectly to the war and postwar problems. At the same time, progress continued along various lines which had become well established prior to the war. Public interest in rural local government was evidenced both by the large amount of state legislation enacted with reference thereto and by local action taken under legislative authority. Developments during the year will be summarized under the following headings: (1) areas; (2) organization and personnel; (3) functions; (4) finance; (5) optional forms of government; (6) intergovernmental relations; and (7) research and experimentation.

I. AREAS

New Areas. State legislatures continued to enact statutes establishing or authorizing the establishment of local *ad hoc* authorities for various purposes. Wyoming established each organized county of the state as a predatory animal district, under the control of a district board, for the purpose of paying bounties for the killing of animals that prey upon domestic livestock, poultry, and wild game. General laws authorized the organization of weed-control districts in South Dakota, public library districts in Illinois, cemetery districts in Montana, and county water authorities in California. Georgia's constitution was amended to empower the governing authorities of Bibb county to establish and administer, within the county and outside the city of Macon, special districts for sanitation purposes, garbage removal and disposal, fire prevention, police protection, drainage, road building and improvement, and any other public services and facilities customarily afforded by municipalities of the state. To carry out the purpose of any such district, the county governing authorities are empowered to levy taxes within the district, to issue district bonds with approval of the district voters, and to levy assessments and impose service charges against property or persons served. A Missouri statute authorized

* For previous annual summaries, see this REVIEW, Vol. 31, pp. 884–913; Vol. 32, pp. 936–956; Vol. 33, pp. 1058–1072; Vol. 34, pp. 1145–1166; Vol. 35, pp. 1106–1119; Vol. 36, pp. 1109–1127; Vol. 37, pp. 1041–1051.

the establishment of fire protection districts in the unincorporated areas of Jackson county (Kansas City).[1]

Deorganization and Consolidation. South Dakota, a few of whose western counties are still without organized governments and are attached to neighboring organized counties for judicial purposes and the performance of essential governmental services, established a procedure whereby counties now organized may abandon their organization. According to the new statute, any organized county may become unorganized by petition of not less than one-third of the voters of the county (as determined by the vote cast for the office of governor at the last preceding gubernatorial election), followed by approval of the proposed deorganization by the voters at the next regular election. The popular vote necessary to effect deorganization is a majority of the votes cast at the election. If the vote is favorable to deorganization, the state legislature by joint resolution designates the organized county to which the deorganizing county shall be attached for judicial purposes. Any indebtedness of a deorganized county is to be paid from taxes levied upon the property embraced within its territorial limits when it existed as an organized county.[2] Another South Dakota act consolidated the unorganized counties of Washington and Shannon into a single unorganized county of Shannon, to be attached to the organized county of Fall River for judicial and administrative purposes.[3] Though consolidation of unorganized counties does not in itself reduce the number of county officers or simplify the structure of local government, it would become significant if employed as a prelude to the organization of county government within the territory concerned.

For the most part, interest in governmental consolidation centered about consolidation of the city-county variety in metropolitan areas. Perhaps the most active interest in this direction was displayed in the San Antonio region over the proposal to consolidate that city's government with the government of Bexar county, Texas. The San Antonio "council of presidents," composed of presidents and immediate past presidents of 86 local civic organizations, was reported to have made city-county consolidation its prime objective for the ensuing year and to be carrying on a

[1] *Statutes of California*, 1943 (reg. sess.), ch. 545; *Acts and Resolutions of Georgia*, 1943, p. 8; *Laws of Illinois*, 1943, Vol. 1, p. 859; *Laws of Missouri*, 1943, p. 852; *Laws, Resolutions, and Memorials of Montana*, 1943, ch. 221; *Laws of South Dakota*, 1943, ch. 312; *Session Laws of Wyoming*, 1943, ch. 36. The Georgia amendment here concerned and the amendments, discussed *infra*, concerning the abolition of justice courts in Glynn county and the establishment of a retirement system in Richmond county in the same state were ratified by the voters on August 3, 1943. Letter to the writer from John B. Wilson, secretary of state of Georgia, Atlanta, May 31, 1944.

[2] *Laws of South Dakota*, 1943, ch. 45. Concerning legislation of similar import in the state of North Dakota, see this REVIEW, Vol. 34, pp. 1147–1148.

[3] *Laws of South Dakota*, 1943, ch. 23.

direct "selling" campaign in an effort to accomplish this end. The *San Antonio Express* was also reported as advocating consolidation. If the proposed project for merger should be carried out, the city and county governments would be consolidated into the City and County of San Antonio. It is said that "competent local authorities" deem it reasonable to expect that consolidation would save taxpayers from one to two million dollars annually.[4] Interest was reported as being displayed in the possibility of city-county consolidation in Atlanta, Georgia; and of consolidating the city and county of San Francisco with San Mateo county in California.[5]

Sentiment in favor of consolidating Multnomah (Portland) and Clackamas counties in Oregon seems to be growing among the residents of both counties. However, as would be expected, there is strong opposition to the plan in Oregon City, which would lose its status as a county seat in favor of Portland.[6] State and county agencies established in Indiana to conduct research in the field of township government were directed to study, among other things, the need for township consolidation.[7]

II. ORGANIZATION AND PERSONNEL

New Offices. New county offices were created in numerous instances, usually for the performance of newly-assumed functions,[8] but on occasion to provide services heretofore supplied by other agencies. To assist veterans in obtaining benefits to which they are entitled by law, Alabama counties were authorized to create, at the discretion of their respective governing bodies, the office of county service commissioner; Texas counties were similarly empowered to establish the office of county service officer; and the South Carolina legislature established the office of service officer for Chesterfield county. The service officer or commissioner is to be appointed by the county governing body in Alabama and Texas counties, and by the governor in Chesterfield county. Alabama provides that the county governing body shall select one of three honorably discharged ex-service men whose names shall have been submitted by the American Legion post or posts of the county. The Texas law requires that service officers be honorably discharged veterans experienced in the law, regulations, and rulings of the United States Veterans Administration. In

[4] Note in *National Municipal Review*, Vol. 32, pp. 553–554 (Nov., 1943); Elwyn A. Mauck, note in *ibid.*, p. 514 (Oct., 1943).

[5] Elwyn A. Mauck, note in *National Municipal Review*, Vol. 32, p. 460 (Sept., 1943); John B. Blandford, Jr., "Administrative Organization," *Municipal Year Book*, 1944, pp. 291–294.

[6] Elwyn A. Mauck, note in *National Municipal Review*, Vol. 32, p. 628 (Dec., 1943).

[7] *Laws of Indiana*, 1943, ch. 300. See *infra*, "Research and Experimentation."

[8] See *infra*, "Functions."

Chesterfield county, the governor is to make the appointment of a service officer on recommendation of the county legislative delegation, and provision is made whereby a candidate may be nominated to the legislative delegation by the local American Legion posts.[9]

To administer the payment of bounties for killing predatory animals, a predatory-animal control board was established in every Utah county, in each county of South Dakota west of the Missouri river, and in every predatory animal district (each organized county constitutes such a district) in Wyoming. Members of the board are to be appointed by the state board of agriculture in Utah, and elected by the sheep-owners of the county in Wyoming and South Dakota.[10]

The establishment of county civilian defense agencies was required by Wisconsin and authorized by Oregon and California. Arizona counties were empowered to create planning boards to formulate postwar public-works programs. California's Food and Fiber Production Act, enacted to achieve maximum production and availability of food and fiber from the farms of the state, provides that the board of supervisors of each county may establish the office of county farm production coördinator. Counties in South Dakota were empowered to establish housing commissions. In the more populous New Jersey counties, the office of register of deeds and mortgages was created, subject to local referendum. The North Carolina counties of Anson and Brunswick were authorized to establish rural police forces. In South Carolina, forestry boards were established in the counties of Chester and Florence, and aëronautics commissions in those of Fairfield and Jasper.[11] Some half-dozen states enacted legislation establishing or authorizing the establishment of county purchasing agents or commissions.[12]

Office Consolidation and Abolition. Several states took action looking toward the consolidation or abolition of specified local offices. The Florida legislature proposed a constitutional amendment, to be submitted to popular vote in 1944, which would consolidate specified offices in Dade (Miami) and Orange (Orlando) counties. Georgia abolished the office of

[9] *General Laws of Alabama*, 1943, p. 587; *Acts and Joint Resolutions of South Carolina*, 1943, no. 97; *General and Special Laws of Texas*, 1943, ch. 330. The office of county service officer had been established in certain other South Carolina counties by earlier legislation.

[10] *Laws of South Dakota*, 1943, ch. 42; *Laws of Utah*, 1943, ch. 6; *Session Laws of Wyoming*, 1943, ch. 36.

[11] *Laws of Arizona*, 1943, ch. 37; *Statutes of California*, 1943 (1st extra sess.), ch. 1; *ibid.* (2nd extra sess.), ch. 1; *Revised Statutes of New Jersey*, 1943 Cumulative Supplement, sec. 40: 39–2; *Session Laws and Resolutions of North Carolina*, 1943, chs. 403, 645; *Oregon Laws*, 1943, ch. 140; *Acts and Joint Resolutions of South Carolina*, 1943, nos. 80, 81, 96, 169; *Laws of South Dakota*, 1943, ch. 169; *Wisconsin Session Laws*, 1943, ch. 9.

[12] See *infra*, "Purchasing."

county treasurer in Macon county, and empowered the county governing board to designate one or more banks as county depositories and disbursing agents.[13]

Justice of the peace continued to be the local office, abolition of which was most generally sought. Georgia's constitution was amended to confer upon the general assembly authority to abolish justice courts and the office of justice of the peace in Glynn county. If the legislative body exercises this power, it may either establish some other court or court system in lieu of the justice courts or confer their jurisdiction upon other existing courts. Tennessee established courts of general sessions to replace justice of the peace courts in Carter, Giles, and Lawrence counties. Wisconsin gave first legislative approval to a proposed constitutional amendment which would abolish the office of justice of the peace within the city of Milwaukee.[14]

Nomination to Office. The Alabama legislature proposed a constitutional amendment which, if ratified, will require that all nominations to county offices made by political parties casting more than 25 per cent of the entire vote in the last county election be made by primary election. In North Carolina, on the other hand, the counties of Graham and Macon were exempted from the provisions of the state primary law. Henceforth, nominations for county offices in those counties will be made in county conventions.[15]

Term of Office. Efforts to lengthen the terms of county officers as prescribed in state constitutions were made in three states by legislative submission of proposed constitutional amendments. Montana's legislature resubmitted, with minor changes, a proposed amendment which had been once defeated by the voters in 1942, to lengthen from two to four years the term of office of county attorneys and justices of the peace, as well as the maximum term which may be provided for county and other local offices established by statute. Other proposals for constitutional amendment which were given legislative approval would increase the term of county commissioners in Florida from two to four years, and that of Alabama sheriffs from four years to six.[16] In Indiana, on the other hand, proposals for constitutional amendments to lengthen the terms of various

[13] *General Acts and Resolutions of Florida*, 1943, p. 1138; *Acts and Resolutions of Georgia*, 1943, p. 1078.

[14] *Acts and Resolutions of Georgia*, 1943, p. 33; *Wisconsin Session Laws*, 1943, p. 999; M. H. Satterfield, note in *National Municipal Review*, Vol. 32, pp. 213–214 (Apr., 1943).

[15] *General Laws of Alabama*, 1943, p. 310; *Session Laws and Resolutions of North Carolina*, 1943, ch. 349.

[16] *General Laws of Alabama*, 1943, p. 344; *General Acts and Resolutions of Florida*, 1943, p. 1129; *Laws, Resolutions, and Memorials of Montana*, 1943, ch. 232.

county offices, which had been given first legislative approval in 1941,[17] failed to receive the second approval necessary to bring about their submission for ratification.

Military Leave. Idaho and Tennessee enacted legislation to provide for the granting of leave of absence to county officers while serving in the armed forces. The Idaho statute authorizes boards of county commissioners to grant to any elective or appointive officer who is absent from his office by reason of being a member of the armed forces a leave of absence for a period not extending beyond the date of the next general election. Similar leave may also be granted to officers who are absent by reason of official call to service in civilian war work. Tennessee specifically provides that induction of a county officer into military service shall not operate to create a permanent vacancy in his office, but that such officer shall be entitled, upon his return from service, to resume the duties of the office for any unexpired part of the term for which he was elected. In neither state is a county officer entitled to receive any salary from the county during the period of his absence.[18]

Reëligibility to Office. The Illinois legislature proposed an amendment to the state constitution which would eliminate the present provision making incumbents of the offices of county treasurer and sheriff ineligible to succeed themselves, while Wisconsin gave first legislative approval to a proposed amendment to permit sheriffs to serve more than two successive two-year terms.[19]

Compensation of Officers. The legislature of Wyoming proposed a constitutional amendment which, if approved by the voters, will remove existing constitutional limitations upon the amounts of county salaries. Under the proposed amendment, the legislature would have full authority to fix the salaries of county officers, subject only to the requirement that they shall "be in proportion to the value of the services rendered and the duties performed." Oklahoma enacted a new state-wide salary law for county officers under which counties are classified on the basis of population and assessed valuation and salaries graduated accordingly. The charter of Sacramento county, California, was amended to provide that justices of the peace and constables shall be compensated by salaries only, and that such salaries shall be fixed by the board of county supervisors.[20] A considerable number of states granted temporary or permanent increases in the salaries of county officers and employees.[21]

[17] See this REVIEW, Vol. 36, p. 1112.

[18] *General Laws of Idaho*, 1943, ch. 66; *Public Acts of Tennessee*, 1943, ch. 4.

[19] *Laws of Illinois*, 1943, Vol. 2, p. 392; *Wisconsin Session Laws*, 1943, p. 1005.

[20] *Statutes of California*, 1943, p. 3163; *Session Laws of Oklahoma*, 1943, p. 39; *Session Laws of Wyoming*, 1943, p. 167.

[21] See *infra*, "Personnel Administration."

County and Town Executives. Legislative interest in manager government at the county and town levels seemed less pronounced than for some years past, but was not wholly wanting. The Oregon legislature approved a proposed amendment to the state constitution which, if given popular ratification, will permit the enactment of legislation authorizing counties to adopt the manager form of government. It is provided that, upon adoption of manager government by any county pursuant to such law, any and all county offices, whether established by the constitution or by statute, may be abolished and their powers and duties vested in an elective commission and a manager elected or appointed as provided by law.[22] A proposed amendment to the Wisconsin constitution which was given first legislative approval would, if ultimately adopted, make possible the enactment of an optional county-manager law in that state.[23]

Manager government was adopted during the year by the three Maine towns of Blaine, Monticello, and Norway. The town of Bloomfield, Connecticut, which in 1942 voted to abandon manager government effective January 1, 1944, in 1943 decided to retain its manager charter.[24]

Personnel Administration. Three populous counties were provided with civil service systems by their respective state legislatures. These were Fulton county (Atlanta) in Georgia, Duval (Jacksonville) in Florida, and Davidson (Nashville) in Tennessee.[25] Wisconsin provided that civil service systems for county employees might be established by county boards of supervisors.[26] In the Minnesota counties of Ramsey (St. Paul) and St. Louis (Duluth), civil service systems established in 1942 seemed to be getting off to a good start. The county governing boards of both counties adopted employee classification plans prepared by their respective civil service commissions. The Ramsey county board also adopted a salary standardization plan; but in St. Louis county a salary plan prepared by the commission had not yet been approved by the county board at the year's end.[27]

More noteworthy than the establishment of the merit system in additional jurisdictions were developments during the year in particular

[22] *Oregon Laws*, 1943, p. 733. [23] See *infra*, "Optional Forms of Government."

[24] Grace L. Geer, "Council-Manager Government," *Municipal Year Book*, 1944, pp. 299–302.

[25] *Special Acts of Florida*, 1943, p. 208; *Acts and Resolutions of Georgia*, 1943, p. 971; M. H. Satterfield, *loc. cit.*

[26] *Wisconsin Session Laws*, 1943, ch. 186. A Wisconsin statute of 1939 authorizing the establishment of county civil service systems by initiative and referendum was held unconstitutional by the state supreme court in Marshall v. Dane County Board, 236 Wis. 57, 294 N. W. 496 (1940).

[27] *First Annual Report of the Civil Service Department of Ramsey County, Minnesota* (mimeo.); *Report of St. Louis County, Minnesota, Civil Service Commission to Board of County Commissioners*, Mar. 20, 1944 (mimeo.).

phases of personnel administration. One such phase is that of providing for public employees systems of retirement on pension. Several states in 1943 either authorized local governmental units to place their employees under state-wide retirement systems or empowered them to set up local systems. Pennsylvania established a municipal employees' retirement system which any county, township, city, borough, or institution district may join either by action of its tax-levying body or by popular vote. The system is to be administered by a board consisting of the secretary of the commonwealth (as chairman), the state treasurer, one member appointed by the governor to represent the public, and two employees of participating local governments appointed by the governor from nominations made by associations of county and municipal taxing officials. In Colorado, school districts and any "city and county" (i.e., Denver) were authorized, at their option, to place their employees under the state retirement fund. Wisconsin provided that pension systems for county employees might be established by county boards of supervisors; and Michigan county boards were empowered to purchase or participate in the cost of group retirement annuities for county employees. Special legislative acts established pension systems for the employees of New Hanover county, North Carolina; Essex county, New Jersey; and Davidson county, Tennessee. An amendment to the Georgia constitution empowers the general assembly to enact legislation authorizing the county of Richmond (Augusta) to establish a retirement and pension system for county employees.[28]

Three states—Alabama, Michigan, and Minnesota—empowered counties to provide group insurance for their employees. All included life and hospitalization in the types of coverage which may be provided, while Michigan and Minnesota included also health and accident coverage. The Alabama and Minnesota statutes provide for coverage of officers as well as employees, but in either case of only such thereof as elect to participate in the system. In Alabama, at least 75 per cent of a county's officer and employee personnel must elect to participate before an insurance plan may become effective. The Minnesota statute requires that premiums on the insurance provided be paid through deductions from the salaries of participants. Alabama, on the other hand, provides that the county governing body may pay such part of the premium as it may determine,

[28] *Laws of Colorado*, 1943, ch. 149; *Acts and Resolutions of Georgia*, 1943, p. 48; *Michigan Statutes Annotated* (Callaghan and Company), 1943 Cumulative Supplement, sec. 5.333(1); *Revised Statutes of New Jersey*, 1943 Cumulative Supplement, secs. 43: 10–18.1 to 43: 10–18.25; *Session Laws and Resolutions of North Carolina*, 1943, ch. 669; *Purdon's Pennsylvania Statutes*, 1943 Cumulative Supplement, secs. 53: 371.1 to 53: 371.25; *Wisconsin Session Laws*, 1943, ch. 186; M. H. Satterfield, *loc. cit.*

and deduct the remainder from the salaries of participants. The Michigan law applies to employees only, and stipulates that counties may provide the insurance either with or without employee participation in the cost thereof.[29]

Yet another type of financial protection to county personnel was authorized by Ohio and Iowa in the form of liability insurance. The Ohio statute provides that any board of county commissioners may purchase a policy or policies insuring officers and employees of the county against liability on account of damage or injury to persons or property occasioned by the operation of motor vehicles owned or operated by the county. Iowa authorizes county boards of supervisors to purchase, up to specified amounts, liability and property damage insurance covering county employees "while in the performance of their duties and operating an automobile, truck, road grader, machinery, or other vehicles owned by the county."[30]

In-service training for local officers and employees continued to make progress. The Institute of Local and State Government of the University of Pennsylvania inaugurated a new program of free in-service training for a limited number of state, county, city, borough, and township officials. In North Carolina, the educational work conducted among local officials by the Institute of Government, now a part of the Extension Service of the University of North Carolina, was reported to be raising appreciably the standards of county and city administration in that state.[31]

Recognizing the currently decreased purchasing power of the salary dollar, more than a dozen state legislatures provided for increases in the compensation of some or all county officers and employees. Most of the laws enacted were of general application, although a few applied to specified counties only. In some instances the increments were granted directly by the statutes, while in others the legislature merely empowered the county governing authorities to grant increases. Though in some states the increases granted were without time limitation, in a majority of the states concerned they were of a temporary nature. Where time limits were

[29] *General Laws of Alabama*, 1943, p. 154; *Michigan Statutes Annotated*, 1943 Cumulative Supplement, sec. 5.333(1); *Mason's Minnesota Statutes*, 1944 Supplement, sec. 254–88. Hillsborough county, Florida, was authorized, upon majority vote of the teachers in the county, to provide group insurance for teachers and employees of the public schools and to contribute to the premiums therefor. *General Acts and Resolutions of Florida*, 1943, p. 336.

[30] *Acts and Joint Resolutions of Iowa*, 1943, ch. 167; *Page's Ohio General Code*, 1943 Cumulative Supplement, sec. 2412–3.

[31] H. M. Olmsted, note in *National Municipal Review*, Vol. 33, pp. 35–36 (Jan., 1944); Paul W. Wager, "A North Carolina Experiment," *ibid.*, pp. 75–80 (Feb., 1944). On the North Carolina Institute, see also J. P. McEvoy, "Don't Shoot Your Sheriff: Teach Him," *Reader's Digest*, Vol. 43 (Oct., 1943), pp. 21–25.

imposed, they were most often in the form of a fixed date upon which the increase, or the power of the county to grant the increase, would expire. This date usually falls sometime within the first half of 1945, which fact will operate virtually to require 1945 legislative sessions to reconsider the necessity for the increases. The Pennsylvania law provides that the power of counties to pay additional compensation shall continue during the emergency and until the expiration of the fiscal year next following the cessation of hostilities.[32]

Milwaukee county, Wisconsin, joined with the city of Milwaukee and three other governmental units of the Milwaukee metropolitan area (the public school system, vocational school, and sewerage commission) in adopting a uniform plan for an annual cost-of-living adjustment in the salaries of their employees. Over 13,000 employees of the five local units concerned were affected by the plan.[33]

III. FUNCTIONS

Numerous statutes, some of general application and others local in nature, were enacted during the year to augment the governmental powers of counties. Some of these laws merely conferred upon additional counties power to perform functions which, as in the case of planning and zoning, had already firmly established themselves as appropriate objects of county activity elsewhere. Other powers conferred, such as those of providing war housing, civilian defense, and veteran service, had been accorded previous recognition as county functions only recently, if at all.

Predatory Animal Control. Though payment of bounties for the killing of predatory animals is not a novel county function, it is of interest that four western states—Wyoming, Montana, Utah, and South Dakota—in 1943 established comprehensive systems of predatory animal control through the bounty system.[34] For this purpose, Wyoming created special county-wide predatory-animal districts with their own governing boards; predatory-animal control boards were established within the county

[32] For representative statutes providing for increased compensation, see *Laws of Illinois*, 1943, Vol. 1, pp. 749, 754; *Acts and Joint Resolutions of Iowa*, 1943, ch. 168; *Kansas Session Laws*, 1943, ch. 162; *Laws of Maryland*, 1943, chs. 122, 705, 826, 836; *Laws, Resolutions, and Memorials of Montana*, 1943, ch. 169; *Session Laws and Resolutions of North Carolina*, 1943, chs. 334, 493; *Laws of North Dakota*, 1943, ch. 113; *Oregon Laws*, 1943, chs. 87, 104, 184, 230, 431; *Purdon's Pennsylvania Statutes*, 1943 Cumulative Supplement, sec. 53: 289.1; *Laws of South Dakota*, 1943, chs. 28, 29, 121; *Laws of Utah*, 1943, ch. 30; *Wisconsin Session Laws*, 1943, ch. 94.

[33] Ovid B. Blix and Norman N. Gill, "Milwaukee Local Governments Join in Salary Adjustment Plan," *National Municipal Review*, Vol. 32, pp. 482–485 (Oct., 1943); note in *Public Management*, Vol. 25, pp. 273–274 (Sept., 1943).

[34] Destruction of meat, wool, and fowl by coyotes alone in 1943 is estimated to have cost from ten to fifteen million dollars. See O. A. Fitzgerald, "Every Hand Against Him," *Country Gentleman*, Vol. 114, no. 2, pp. 17, 58–59 (Feb., 1944).

governmental set-up in Utah and in South Dakota counties west of the Missouri river; while administration of the bounty program is vested in the board of county commissioners in Montana and in South Dakota counties east of the Missouri. The animals for the killing of which bounties are provided are those which, in the states concerned, most commonly prey upon domestic livestock—especially sheep—and upon poultry. Those specifically mentioned in the various statutes include wolves, coyotes, mountain lions, lynx cats, bobcats, and foxes. In every instance the bounty program is to be financed from a special fund derived from levies upon livestock or poultry the protection of which is sought. Thus Wyoming provides for an ad valorem tax on sheep, Utah for such a tax on sheep and turkeys, South Dakota for a head tax on sheep, and Montana for a license fee imposed upon the owning of sheep, which fee is to be graduated according to the number of head owned. Such tax levies or fees are to be imposed, in all cases, by the board of county commissioners.[35]

Conservation and Agriculture. In the South Carolina counties of Chester and Florence, newly-established county forestry boards were required to work with the state forestry commission and the state forester in the protection of forest lands and the promotion of reforestation. Onondaga county, New York, was reported to have been buying up, over a period of several years, abandoned farm lands for development as forest preserves and outdoor recreation areas. More than two million trees have been secured free from state nurseries and planted in these areas. In Florida, Columbia county was empowered to construct water dams for the conservation of fish and the prevention of erosion. County boards in South Dakota were authorized, upon petition by the landowners concerned, to organize weed control districts to coöperate with the state secretary of agriculture in the control and eradication of noxious weeds. The boards of county commissioners in the North Carolina counties of Currituck, Hyde, Pasquotank, and Tyrrell were empowered to institute county-wide vaccination programs for the prevention of hog cholera.[36]

Health. Illinois and Nebraska passed enabling acts authorizing the establishment of county or district health departments for the employment of full-time, qualified health personnel. Health departments under full-time directors were established in the South Carolina counties of Sumter

[35] *Laws, Resolutions, and Memorials of Montana*, 1943, ch. 206; *Laws of South Dakota*, 1943, chs. 42, 43; *Laws of Utah*, 1943, ch. 6; *Session Laws of Wyoming*, 1943, ch. 36. The control programs are mandatory upon all counties, except that in Montana and in the eastern counties of South Dakota they become mandatory only upon petition of the sheep-owners of the respective counties.

[36] *Special Acts of Florida*, 1943, p. 127; *Session Laws and Resolutions of North Carolina*, 1943, chs. 199, 358, 693; *Acts and Joint Resolutions of South Carolina*, 1943, nos. 80, 81; *Laws of South Dakota*, 1943, ch. 312; note in *Public Management*, Vol. 25, p. 367 (Dec., 1943).

and York. The board of commissioners of Dade county (Miami), Florida, was authorized to establish, upon petition and after a public hearing, districts for the collection and disposal of garbage and other forms of waste in built-up communities not having municipal garbage and waste disposal service. The county board may enter into contracts for the collection and disposal of garbage and waste in such districts, and may assess and collect fees from householders and others served. New Mexico made it the duty of the county school superintendent in each county to see that all children in his county, of school age and under eight years, are immunized against diphtheria. Illinois counties were charged with the duty of providing funds for the treatment of persons afflicted with cancer or tumor who are unable to pay for their own treatment. By the end of 1943, 133 counties had adopted the model ordinance and code regulating eating and drinking establishments recommended by the United States Public Health Service, and 137 counties had adopted the standard milk ordinance and code.[37]

Public Works. Legislation relating to the current acquisition and operation of public works by counties was quite limited. Oregon authorized counties and other political subdivisions of the state, individually, jointly, or in coöperation with the federal government, to acquire and maintain aviation fields or airports. The South Carolina counties of Fairfield and Jasper were provided with aëronautics commissions empowered to acquire necessary land and to construct and maintain airports thereon. Michigan counties were authorized to acquire ferries to be maintained and operated as parts of their county highway systems, with the provision that ferry service may be furnished free to the public or tolls exacted. County boards in Minnesota were empowered to make appropriations for the improvement and maintenance of abandoned or neglected cemeteries; and an Illinois law authorized counties, upon approval in a popular referendum, to recondition and restore neglected cemeteries and to levy a special tax therefor.[38] Of considerably more potential significance than these various statutes was the legislation enacted in a goodly number of states enabling counties to plan and finance postwar public-works programs.[39]

Planning and Zoning. Legislation and activities of the year in the field of county planning were concerned, for the most part, with planning of

[37] *General Acts and Resolutions of Florida*, 1943, p. 127; *Laws of Illinois*, 1943, Vol. 1, pp. 539, 548; *Laws of Nebraska*, 1943, ch. 152; *Laws of New Mexico*, 1943, ch. 50; *Acts and Joint Resolutions of South Carolina*, 1943, nos. 108, 195; George St. J. Perrott, "Health Developments in 1943," *Municipal Year Book*, 1944, pp. 354–358.

[38] *Laws of Illinois*, 1943, Vol. 1, p. 266; *Michigan Statutes Annotated*, 1943 Cumulative Supplement, secs. 9.1381(1) ff; *Mason's Minnesota Statutes*, 1944 Supplement, sec. 659–61; *Oregon Laws*, 1943, ch. 290; *Acts and Joint Resolutions of South Carolina*, 1943, nos. 96, 169.

[39] See *infra*, "Planning and Zoning," "Postwar Reserve Funds."

the "postwar" variety. The planning commission of San Mateo county, California, was reported to have prepared a postwar public-works program for submission to the board of supervisors. Shelby county, Tennessee, and the city of Memphis were developing joint plants for a current and postwar public improvement program which included slum-clearance projects, new schools, libraries, medical clinics, street improvements, flood control, and dock and wharf improvements. In the same state, Knox county and the city of Knoxville were reported to have created a joint planning committee to select projects for development after the war.[40] The North Carolina legislature created for New Hanover county and the city of Wilmington a committee on postwar planning for economic stability. Arizona counties were empowered to create planning boards, or to authorize existing county departments or agencies, "to formulate, develop and annually revise a capital budget and schedule and make preliminary plans and surveys for a long-range, postwar program of local public works projects for execution and construction." California provided state aid to counties for the preparation of plans, surveys, and specifications for postwar highway-construction projects.[41] Statutes enacted in several states to empower counties to establish postwar reserve funds for public construction[42] envisage both financial planning and physical planning of the projects to be constructed.

General zoning powers were conferred upon Dade (Miami) and Duval (Jacksonville) counties in Florida; and upon the counties of Cobb and DeKalb, both adjacent to Fulton (Atlanta), in Georgia. The Georgia county of Decatur was empowered to establish air-space safety zones around airports, and to restrict and regulate the erection of structures therein. Michigan enacted new county and township rural zoning acts to supplant existing legislation.[43]

War Housing. Arizona counties, and county housing authorities in Alabama, were empowered to provide housing facilities for persons engaged in war industries or activities, and to coöperate with the federal government in such undertakings. South Dakota counties were also authorized, acting through county housing commissions, to coöperate with the federal government in war housing activities. A novel North Carolina statute empowers Wilson county and the town of Wilson jointly to provide

[40] Elwyn A. Mauck, notes in *National Municipal Review*, Vol. 32, pp. 343, 460, 628 (June, Sept., Dec., 1943).

[41] *Laws of Arizona*, 1943, ch. 37; *Statutes of California*, 1943 (reg. sess.), ch. 565; *Session Laws and Resolutions of North Carolina*, 1943, ch. 544.

[42] See *infra*, "Postwar Reserve Funds."

[43] *General Acts and Resolutions of Florida*, 1943, p. 924; *Acts and Resolutions of Georgia*, 1943, pp. 902, 928, 930; *Michigan Statutes Annotated*, 1943 Cumulative Supplement, secs. 5.2961(1) ff, 5.2963(1) ff. A zoning law enacted in 1939 for Clayton county, Georgia, was repealed. *Acts and Resolutions of Georgia*, 1943, p. 891.

quarters for the housing, entertainment, and recreation of transient members of the United States armed forces.[44]

Veteran Service. Among the newer county functions, one which promises to be of particular significance during the postwar period is that of aiding veterans in securing benefits to which they may be entitled by law as a result of their service in the armed forces. Many ex-service men and their dependents will be unfamiliar with the statutory provisions enacted in their behalf, and, in order that they may neither fail to be advised with respect to the benefits due them nor have those benefits reduced through fees for unnecessary legal counsel, it seems appropriate to provide some officially-constituted agency to supply any necessary assistance, especially in those cases which are relatively simple in nature.

To this end, Texas authorized any county to establish a veterans county service office, and to appoint a service officer and as many assistant officers as necessary; Alabama provided that any county may establish the office of county service commissioner; and South Carolina established the office of county service officer in Chesterfield county.[45] In general, it is the function of these various service officers to assist resident veterans of the county, as well as their relatives, dependents, and beneficiaries, in preparing and presenting claims for any compensation, hospitalization, insurance, or other benefits to which they may be entitled by law. The Alabama law mentions only claims arising under federal law, while the Texas and South Carolina statutes specifically provide for the rendering of assistance with respect to claims against either the federal or state government. Texas makes it the specific duty of the county service officer to defeat unjust claims as well as to aid in the collection of valid claims. An additional duty of the Chesterfield county officer is that of aiding veterans in securing employment.[46]

Law Libraries. The county law library is becoming more and more common. These libraries are established and maintained primarily for the use of lawyers and the judges of the various courts in the county, but are open also, at least in most instances, to such members of the general public as have occasion to use them. In 1943, Texas established county law libraries in some counties of the state and provided that they be financed by the assessment and collection, as a part of the costs, of the sum of one dollar in each civil case, other than suits for delinquent taxes, filed in the county or district courts. It was further provided that certain other Texas

[44] *General Laws of Alabama*, 1943, p. 429; *Laws of Arizona*, 1943, ch. 48; *Session Laws and Resolutions of North Carolina*, 1943, ch. 5; *Laws of South Dakota*, 1943, ch. 169.

[45] See *supra*, "New Offices."

[46] *General Laws of Alabama*, 1943, p. 587; *Acts and Joint Resolutions of South Carolina*, 1943, no. 97; *General and Special Laws of Texas*, 1943, ch. 330.

counties may establish such libraries by action of their respective governing bodies. McDowell county in North Carolina was likewise authorized to establish a law library to be financed from fees. Washington broadened the scope of her law providing for county law libraries to embrace several classes of counties not previously included.[47]

Police Power. Several states enacted legislation broadening the police power of counties. The board of commissioners of any Idaho county may now regulate the use of real property within five miles of any United States military or naval reservation and not within any incorporated municipality. The board is empowered to determine what businesses may be conducted within such areas, and may prohibit the conducting therein of any business which it finds to be detrimental to the general welfare. County and township boards in Michigan were authorized to prescribe, in unincorporated areas, minimum construction requirements of dwellings, buildings, and structures; and to designate the manner in which, and the type of materials of which, dwellings, buildings, and structures shall hereafter be erected or altered. Washington provided that counties may adopt standard building codes and fire regulations applicable to all or any part of their respective counties not situated within any incorporated city or town. In the same state, the general police power of counties was enlarged by the enactment of a law empowering boards of county commissioners "to make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and provide that any violation of such regulations, ordinances, or resolutions shall constitute a misdemeanor." County boards in Wisconsin were empowered to enact blackout ordinances. By an act effective six months after cessation of the present war, second-class counties in Pennsylvania were authorized to enact smoke ordinances. St. Louis county, Missouri, was empowered to adopt rules and regulations, as prepared by the county health commissioner, for the licensing, catching, impounding, and destruction of dogs, and for the impounding and destruction of other domestic animals exposed to or infected with rabies. Such regulations, however, are not to be effective in any municipality within the county which has adopted its own system of rabies control.[48]

Microfilming of Records. A recent innovation in the method of performing the traditional county function of recording legal documents is that

[47] *Session Laws and Resolutions of North Carolina*, 1943, ch. 283; *General and Special Laws of Texas*, 1943, ch. 192; *Session Laws of Washington*, 1943, ch. 195.

[48] *General Laws of Idaho*, 1943, ch. 138; *Michigan Statutes Annotated*, 1943 Cumulative Supplement, secs. 5.2964(1) ff, 5.2973(1) ff; *Laws of Missouri*, 1943, p. 327; *Purdon's Pennsylvania Statutes*, 1943 Cumulative Supplement, sec. 16:4061; *Session Laws of Washington*, 1943, chs. 199, 204; *Wisconsin Session Laws*, 1943, ch. 134.

of the microfilming process. The reproduction of records on microfilm and the ultimate destruction of the originals greatly reduces the space required for record storage and at the same time, through use of appropriate projection apparatus, keeps the records readily available for examination. Illinois, by 1943 legislation, provided that any county officer or court clerk may, with the consent of the county board, cause any or all public records, papers, or documents kept by him to be photographed, microphotographed, or otherwise reproduced on film. The film used must comply with the minimum standards of quality approved for permanent photographic records by the United States Bureau of Standards. The law provides that any such reproduction shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies. After ten years, the originals of photographed records, papers, and documents may be destroyed. The Florida legislature, by special act, authorized the clerk of the circuit court of Alachua county to use the photographic process for recording any and all instruments filed for record. Microfilm recording was reported as being in use in Cook county, Illinois (under the enabling legislation just noted), and in the California counties of Alameda and San Diego.[49]

Functional Consolidation. The authorization and practice of coöperative performance of particular functions by two or more units of local government continued to make progress. Though the special district continues to be of importance as a means of such coöperation, the "contractual" variety of functional consolidation seems to be steadily gaining in favor.

Three states—Minnesota, Pennsylvania, and Nevada—passed enabling acts of broad scope empowering local units to enter into agreements for the joint performance of functions. The Minnesota statute, which is the most comprehensive of the three, provides that two or more governmental units (defined as including all cities, villages, boroughs, counties, towns, and school districts) may, by agreement entered into through action of their governing bodies, jointly exercise any power common to the contracting parties. Pennsylvania authorized townships to coöperate, through joint agreements, with other townships, cities of the third class, boroughs, or incorporated towns "in the exercise and in the performance of their respective governmental powers, duties, and functions relating to the public health, recreation, zoning and municipal planning, and in carrying into effect provisions of law relating to said subjects which are common to all of such joining municipalities, and which each may, under existiny law, separately exercise and perform." Nevada empowered the countg commissioners of any county and the city council of any city within such county to enter into coöperative agreements with each other for

[49] *General Acts and Resolutions of Florida*, 1943, p. 148; *Laws of Illinois*, 1943, Vol. 1, p. 1055; note in *Public Management*, Vol. 25, p. 245 (Aug., 1943).

the joint use of "county and city personnel, equipment, and facilities, including sewer systems, drainage systems, street lighting systems, fire alarm systems, sewage disposal plants, playgrounds, parks, and recreation facilities, and public buildings constructed by or under the supervision of the county commissioners or the city council of the county and city concerned."[50]

Illinois, Nebraska, and Kansas provided that two or more counties may coöperate in establishing joint health departments. The laws of Kansas and Nebraska also authorized the creation of city-county departments. California provided that a county water authority may be incorporated by any two or more public agencies, contiguous or otherwise, within any county. "Public agency" is defined as any municipal corporation; water, utility, or irrigation district; or any other public corporation of the state having power to acquire and distribute water. A water authority established under the act is empowered to construct and maintain water works and facilities; acquire water and water rights; and sell and deliver water at wholesale for municipal, domestic, and other beneficial uses. Participating public agencies have a preferential right to purchase water from the authority for distribution.[51]

Michigan empowered any two or more counties, metropolitan districts, cities, villages, and/or townships to contract either (1) for the joint ownership and operation of sewage-disposal facilities or (2) for the furnishing of such facilities by one or more of the local governmental units concerned to one or more others. Texas provided that any county may join with any city or town therein in establishing and operating hospitals; and that any two or more counties may join in employing a veterans service officer. Counties and other political subdivisions in Oregon were authorized to coöperate in acquiring and maintaining airports or aviation fields. Alabama provided that two or more contiguous counties may join in establishing a regional housing authority. Indiana extended to any county the power, previously enjoyed only by counties with poor farms having an indigent population of ten or less, to discontinue its poor farm and contract with another county maintaining a farm for the care of its poor. Wisconsin towns were authorized to coöperate with other towns, or cities or villages, in establishing joint fire departments.[52]

[50] *Mason's Minnesota Statutes*, 1944 Supplement, secs. 1933–101 to 1933–107; *Statutes of Nevada*, 1943, ch. 94; *Purdon's Pennsylvania Statutes*, 1943 Cumulative Supplement, secs. 53: 2900.1 to 53: 2900.6.

[51] *Statutes of California*, 1943 (reg. sess.), ch. 545; *Laws of Illinois*, 1943, Vol. 1, p. 548; *Kansas Session Laws*, 1943, ch. 223; *Laws of Nebraska*, 1943, ch. 152.

[52] *General Laws of Alabama*, 1943, p. 512; *Laws of Indiana*, 1943, ch. 65; *Michigan Statutes Annotated*, 1943 Cumulative Supplement, secs. 5.2769(1), 5.2769(2); *Oregon Laws*, 1943, ch. 290; *General and Special Laws of Texas*, 1943, chs. 330, 383: *Wisconsin Session Laws*, 1943, ch. 407.

Some instances may be noted in which functional consolidation has recently been effected. City-county health departments, serving both urban and rural areas of the county, have been established by Knox county and the city of Knoxville in Tennessee; by Clark county, Tennessee, and the city of Winchester; and by Dade county, Florida, and the cities of Miami, Miami Beach, and Coral Gables. Oakland county, Michigan, has entered into a joint agreement with eight cities, a village, three townships, and the state for the construction and operation of facilities for the disposal of sanitary sewage. The project is being financed in part by a grant from the Federal Works Agency, and in part through the issuance of local revenue bonds, and will be administered, when completed, by Oakland county through the office of the county drain commissioner.[53]

IV. FINANCE

Postwar Reserve Funds. In order to encourage public construction and employment in the postwar period, and at the same time to retard any inflationary effect of current reductions in taxes, several states authorized counties and other local units to set up special reserve funds for use in the postwar period. Arizona counties were authorized to establish, and to levy an annual tax for, postwar public works reserve funds for financing long-range postwar programs of local public improvements and betterments. Moneys in such funds are to be invested in such securities as are legal investments for other county funds. Maryland empowered counties to create "from whatever source" construction funds for postwar capital improvements, deferred maintenance, and equipment replacement; and to invest moneys in such funds in federal or state securities. The North Carolina legislature provided that any county may, with the approval of the state's local government commission, establish a capital reserve fund. Such a fund may consist of moneys derived from various sources, including tax levies, sale of county property, and proceeds from insurance collected by reason of loss of property. The purposes for which withdrawals from the fund may be made are specified by the statute and include erection of various classes of county buildings, such as schoolhouses, courthouses, jails, homes for the aged, hospitals, and auditoriums; acquisition and improvement of airports or landing fields, and of parks and playgrounds; retirement of outstanding indebtedness; and investment in bonds of the United States, the state of North Carolina, or the county. Hillsborough county, Florida, was authorized to establish a postwar construction fund. The board of commissioners may transfer thereto any year-end surplus moneys, and in addition may impose therefor a tax levy of not more

[53] Elwyn A. Mauck, notes in *National Municipal Review*, Vol. 32, pp. 472, 564 (Sept., Nov., 1943), Vol. 33, p. 107 (Feb., 1944); E. M. Shafter and Jay F. Gibbs, note in *Public Management*, Vol. 25, pp. 205–206 (July, 1943).

than one-half mill annually on real and personal property.[54] The Rhode Island towns of Barrington, Hopkinton, and Westerly were empowered to establish reserve funds by action of their respective voters in financial town meeting. Such funds may be built up by transfer thereto of year-end surpluses, by direct appropriations to the funds, or by both of those methods, but may never exceed in amount five per cent of the assessed valuation of taxable property in the town. Moneys in the reserve funds are to be invested in government obligations or other securities as provided by law; and appropriations may be made therefrom only for capital expenditures or improvements or, in Barrington and Hopkinton, for temporary borrowing in anticipation of taxes.[55]

Investment in United States Bonds. At least six states—Alabama, Maryland, Michigan, South Dakota, Tennessee, and Texas—authorized counties to invest in federal securities funds not currently needed or usable for county purposes. The character of the funds which may be so invested is in some instances stated in broad terms, such as "surplus funds" or "year-end balances," while the provisions of other statutes are of a more specific nature. Thus the South Dakota law applies to "public funds which will not be needed during the current fiscal year to defray operating expenses"; and the Tennessee statute authorizes the investment of not more than 80 per cent of all county funds, including sinking funds, which will not be required for the purposes for which collected within six months from the date of investment. Most of the laws permit investment of the county funds concerned in any bonds or other obligations of the United States government. Alabama, however, requires that the securities in which investment is made be redeemable upon application; and South Dakota provides for investment only in specified classes of war savings bonds and other United States securities. Differing somewhat in nature from the laws just noted is a New Mexico statute providing that counties which have on hand funds, obtained from bond issues or other sources, for permanent improvements which cannot now be contructed because of the priorities and rationing program, may invest such funds in United States war bonds until such time as the federal restrictions making construction impossible shall have been removed.[56]

[54] *Laws of Arizona*, 1943, ch. 37; *Special Acts of Florida*, 1943, p. 539; *Laws of Maryland*, 1943, ch. 686; *Session Laws and Resolutions of North Carolina*, 1943, ch. 593.

[55] *Acts and Resolves of Rhode Island*, 1943, pp. 12, 28, 34. Cf. *ibid.*, p. 51, authorizing the town of Cumberland to establish a public works reserve fund to be available for borrowing in anticipation of taxes or for the construction, maintenance, and improvement of public works.

[56] *General Laws of Alabama*, 1943, p. 480; *Laws of Maryland*, 1943, ch. 78; *Michigan Statutes Annotated*, 1943 Cumulative Supplement, sec. 3.843(2); *Laws of New Mexico*, 1943, ch. 61; *Laws of South Dakota*, 1943, ch. 282; *Public Acts of Tennessee*, 1943, ch. 23; *General and Special Laws of Texas*, 1943, ch. 321.

Budgeting and Accounting. Budget systems were established, by special legislative acts, for Dade county, Florida; Chesterfield county, South Carolina; and the Tennessee counties of Lincoln, Robertson, and Rutherford.[57] A general law of North Dakota requires all counties of that state to adopt, by July 1, 1945, uniform accounting forms prepared by the state examiner.[58]

Revenue and Taxation. Mobile county, Alabama, adopted a cigarette tax. Kansas increased from 18 to 37½ the percentage of new revenue from the sale of cigarette revenue stamps which shall accrue to the counties through state distribution. Washington counties were authorized to levy and collect a tax on admissions. Nevada provided that any county in which is situated a water storage and hydroelectric project owned by the United States may bring suit against the state of Nevada in the district court of Ormsby county (seat of the state capital) to determine whether the plaintiff county is entitled to any part of the money derived from such federal project and paid to the state by the United States.[59]

Purchasing. Several states enacted legislation, in some instances of a general nature and in others of local application, looking toward the centralization of county purchasing. Wisconsin provided that any county board may by ordinance require that the purchasing for any or all county offices, boards, departments, and commissions shall be done in such manner and by such agency as the county board may determine.[60] The board of commissioners of any South Dakota county was authorized to appoint one of its members to act with the county auditor and the county treasurer as a purchasing committee. When such a committee has been established, all supplies for the regular county offices must be purchased through the committee. Nebraska provided that the county board of any county may, and that the board of Douglas county (Omaha) shall, employ a purchasing agent. Purchasing agents or commissions were provided by statutes of local application for Cook county (Chicago), Illinois; St. Louis county (Duluth), Minnesota; Calhoun county, Alabama; and the Tennessee counties of DeKalb, Lincoln, McMinn, Robertson, Rutherford, and Smith.[61]

[57] *General Acts and Resolutions of Florida*, 1943, p. 366; *Acts and Joint Resolutions of South Carolina*, 1943, no. 70; M. H. Satterfield, note in *National Municipal Review*, Vol. 32, pp. 213–214 (Apr., 1943).

[58] *Laws of North Dakota*, 1943, ch. 123. See *infra*, "State-Local Relations."

[59] *Kansas Session Laws*, 1943, ch. 305; *Statutes of Nevada*, 1943, ch. 181; *Session Laws of Washington*, 1943, ch. 269; *Municipal Year Book*, 1944, p. 250.

[60] *Wisconsin Session Laws*, 1943, ch. 56. This provision had previously applied only to the counties of Dane and Milwaukee. Joseph W. Nicholson, "Municipal Purchasing," *Municipal Year Book*, 1944, pp. 245–247.

[61] *Local Acts of Alabama*, 1943, p. 227; *Laws of Illinois*, 1943, Vol. 1, p. 554; *Mason's Minnesota Statutes*, 1944 Supplement, sec. 969–14; *Laws of Nebraska*, 1943, ch. 57; *Laws of South Dakota*, 1943, ch. 44; M. H. Satterfield, *loc. cit.*

V. OPTIONAL FORMS OF GOVERNMENT

Wisconsin gave first legislative approval to a proposed constitutional amendment to eliminate the present requirement that the government of all counties be "as nearly uniform as practicable." By the terms of the proposed amendment, the legislature would be directed to provide optional systems of government which counties might adopt by popular vote. Under such optional forms of government, any or all county offices, other than that of district attorney, might be abolished or might be filled by appointment rather than by popular election. The proposed amendment must be approved by the next legislature, meeting in 1945, before being submitted to the voters.[62]

A proposed amendment approved by the Oregon legislature will, if ratified by the voters, enable the legislature of that state to enact an optional county-manager law.[63]

VI. INTERGOVERNMENTAL RELATIONS

Interlocal Relations. Interlocal coöperation in the performance of governmental services is becoming more and more commonplace. Such cooperation most frequently takes some form of functional consolidation, and various examples of coöperative action have been discussed under that heading. Two statutes concerning coöperation of a somewhat different nature in the matter of fire protection seem, however, to deserve mention at this point. A Texas law applicable to the counties of Harris (Houston) and Dallas provides that the county may enter into an agreement with any incorporated town or village within its limits or with the residents of any unincorporated community (provided that such municipal corporation or unincorporated community has a volunteer fire department recognized by the state insurance commission) for supplying fire-fighting equipment to such corporation or community. The contracting corporation or community must agree to house the equipment, pay all costs of operation, and furnish operating personnel. The county, on its part, is charged with keeping the equipment in good working condition and with making all necessary replacements and repairs. The Kansas legislature provided that, during an emergency, the firemen and officers of any township fire department may, together with necessary equipment, go or be sent beyond the territorial limits of the township, to any point within the state, to assist in meeting the emergency. While rendering extraterritorial service under such circumstances, township firemen and officers are to be conclusively deemed as acting for a governmental purpose, and to

[62] *Wisconsin Session Laws*, 1943, p. 1035; Elwyn A. Mauck, note in *National Municipal Review*, Vol. 32, p. 459 (Sept., 1943). A similar proposal was once before given first approval by the Wisconsin legislature, only to be permitted to die in a subsequent session. See this REVIEW, Vol. 36, p. 1125.

[63] See *supra*, "County and Town Executives."

enjoy all immunities from liability which they would enjoy within their own territorial limits.[64]

State-Local Relations. There were no unusual developments in state-local relations during the year, though some legislation was enacted making new applications of familiar devices for state assistance and control. Of the various statutes of this nature, more were in the field of finance than in any other. North Dakota required that the state examiner prepare and furnish to county officers a manual of accounting and auditing procedures, together with uniform accounting forms. It is made the duty of the state examiner to see that county officers adopt such systems of bookkeeping and accounting, and conform to such procedures, as he may prescribe.[65] Michigan established a municipal finance commission, consisting of four state officers ex officio, to administer the provisions of a new "municipal finance act" regulating borrowing procedures and practices of counties, townships, and other local units.[66] North Carolina's statute relating to county capital reserve funds stipulates that the establishment of any such fund, and the withdrawal of any money therefrom, shall be subject to approval by the local government commission, a state supervisory body.[67] In Indiana, the state department of inspection and supervision of public offices was required to call annually a conference of county auditors and auditors-elect for the purpose of instructing the county officials in the proper use of state-prescribed forms and in the keeping of the records of the auditor's office. In the same state, township assessors in townships having a population of over 5,000 were required to attend annual meetings called by the state board of tax commissioners—a requirement which has applied to county assessors since 1919.[68]

Laws authorizing the establishment of consolidated local health departments make approval of the state department of health prerequisite to the establishment of joint-county or city-county departments in Nebraska, and any joint-county department in Illinois involving four or more counties. A Utah statute creating county predatory-animal control boards provided that such boards shall be appointed by the state board of agriculture. Weed-control districts in South Dakota, and predatory-animal districts in Wyoming, were authorized to coöperate with appropriate state agencies in carrying out their programs.[69] Indiana provided for the coöperation of state and county agencies in the study of township government.[70]

[64] *Kansas Session Laws*, 1943, ch. 169; *General and Special Laws of Texas*, 1943, ch. 336.

[65] *Laws of North Dakota*, 1943, ch. 123. See *supra*, "Budgeting and Accounting."

[66] *Michigan Statutes Annotated*, 1943 Cumulative Supplement, secs. 5.3188(1) ff.

[67] *Session Laws and Resolutions of North Carolina*, 1943, ch. 593. See *supra*, "Postwar Reserve Funds."

[68] *Laws of Indiana*, 1943, chs. 116, 188.

[69] *Laws of Illinois*, 1943, Vol. 1, p. 548; *Laws of Nebraska*, 1943, ch. 152; *Laws of South Dakota*, 1943, ch. 312; *Laws of Utah*, 1943, ch. 6; *Session Laws of Wyoming*, 1943, ch. 36.

[70] See *infra*, "Research and Experimentation."

Federal-Local Relations. A considerable amount of legislation was enacted during the year which had as its purpose the encouragement of county coöperation with the federal government. Most of this legislation stemmed directly from the war or wartime problems.

County housing agencies in Alabama, Arizona, and South Dakota were authorized to coöperate with the federal government in providing housing facilities for persons engaged in war industries or activities. Oregon counties were authorized to coöperate with the federal government in the acquisition and maintenance of aviation fields or airports; and aëronautics commissions established for the South Carolina counties of Fairfield and Jasper were empowered to lease or sell county airport property to the United States or any agency thereof. Idaho provided that the board of county commissioners of any county may, after notice and opportunity for a hearing, convey to the United States for use in connection with federal reclamation projects any real property belonging to the county and not necessary for county use. Any such conveyance is to be made for whatever consideration the county board may determine.[71]

Several states enacted laws designed to enable counties to participate more effectively in the general war effort. Nevada, for instance, provided that boards of county commissioners may sell or lease tools, machinery, motor equipment, or other equipment owned by the county to the United States for use on projects essential in the prosecution of the war. "In order to facilitate coöperation with the United States of America in carrying on war and defense activities," counties and other political subdivisions in Alabama and New Mexico were authorized, for the period of the war and six months thereafter, to accept from the United States grants of funds, and grants and loans of equipment, supplies, material, and other property; to hold, use, and dispose of such funds and property; and to engage in such activities and enter into such contracts as may be necessary or convenient to carry out the powers conferred by the respective acts. County park commissions in New Jersey were empowered to enter into contracts with federal agencies for the occupation and use by the United States of any real property under the jurisdiction of the park commissions. Any such contract must contain provisions under which the United States agrees to restore such property, before turning it back to the park commission, to the same condition as existed when the United States took possession thereof; and, during its occupancy, to protect all waters therein from pollution, and to maintain in service and protect from damage all drains, water pipes, and sewers. The duration of such contracts may not extend beyond six months after the termination of the present war.[72]

[71] *General Laws of Alabama*, 1943, p. 429; *Laws of Arizona*, 1943, ch. 48; *General Laws of Idaho*, 1943, ch. 108; *Oregon Laws*, 1943, ch. 290; *Acts and Joint Resolutions of South Carolina*, 1943, nos. 96, 169; *Laws of South Dakota*, 1943, ch. 169.

[72] *General Laws of Alabama*, 1943, p. 116; *Statutes of Nevada*, 1943, ch. 42; *Re-*

Alabama counties were authorized to make appropriations from their general funds for promotion of the sale of United States war bonds and stamps, such appropriations to be used only for office rent, office supplies, telephone and telegraph, clerical help, and general office expenses. Boards of commissioners of certain North Carolina counties were empowered to make contributions from their general funds to local organizations of official state and federal agencies engaged in the war effort, including defense councils and the Office of Price Administration. However, no contribution may be made to the compensation of the members of such agencies or any panels thereof.[73] Still further opportunity for counties and other local units to aid in the war effort is seen in the laws passed by several states to enable local governments to invest surplus funds in United States war bonds and other federal securities.[74]

VII. RESEARCH AND EXPERIMENTATION

An unusual degree of interest was displayed during the year, both within and without legislative halls, in the scientific study of rural local government and the desire to improve local-government law and administration.

Indiana established a state commission on township research, and a county board on township research in each county of the state. The state commission consists of seven designated state officers serving ex officio. The county research boards are likewise ex officio agencies, consisting in each county of the auditor, superintendent of schools, surveyor, and the several township trustees of the county. It is made the duty of each county research board to secure information and statistical data relative to any needed consolidation and reclassification of townships within the county, and any needed adjustments of trustees' salaries. After careful consideration of all available data, the county board is to make such recommendations to the state commission "as in their best judgment will improve the present township government in the county." The report and recommendations of each county research board are to be forwarded to the state research commission on or before March 1, 1944. It is the duty of the state commission to receive such reports and recommendations, and to present to the 1945 general assembly such bill or bills as may be required to carry out the recommendations of the several county boards.[75]

The counties of Utah, acting through their respective boards of commissioners, were authorized, either singly or in association, "to study the

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vised Statutes of New Jersey, 1943 Cumulative Supplement, sec. 40: 37–11.1; *Laws of New Mexico*, 1943, ch. 24.

[73] *General Laws of Alabama*, 1943, p. 308; *Session Laws and Resolutions of North Carolina*, 1943, ch. 711. [74] See *supra*, "Investment in United States Bonds."

[75] *Laws of Indiana*, 1943, ch. 300.

processes and methods of county government with a view to improvement thereof," and to cause to be assembled and presented to the Utah legislature or the United States Congress, or to appropriate committees thereof, information and factual data relative to the effect upon said counties of existing, pending, or proposed legislation. Expenses incurred in carrying on these activities are declared to be a proper charge against county funds.[76]

The Washington legislature provided for appointment by the governor of a committee of county officials to collaborate with a state code committee previously established in preparing a compilation of all constitutional and statutory provisions concerning counties and county officers, together with recommendations of desirable revisions, amendments, and additions to existing statutory provisions. The compilation of constitutional provisions, and of statutory provisions as recommended, is to be submitted to the 1945 legislature "in such form that the legislature upon adoption thereof may cause the same to be printed in pamphlet form for the use of various county officials."[77]

An interesting experimental program aimed at "blending more harmoniously the powers and interests of the federal, state, and local governments in the execution of their common purposes" was inaugurated during the year. This experiment in intergovernmental coöperation is centered in selected counties of Minnesota, Indiana, and Georgia, chosen as typical of three regions. Financed by a Spelman grant, the program is under general supervision of the Council on Intergovernmental Relations—an unofficial organization at the national level. In each of the three states involved, a state council on intergovernmental relations, appointed by the governor, recommended counties in which local coöperation should be invited and assists in an advisory capacity. In each of the three counties selected, actual carrying on of investigations and experimental activities is in the hands of a local council consisting of local officials and interested citizens. The experiments to be carried on are designed to aid in determining, among other things, which levels of government can best perform particular services, what improvements can be made in coöperative relationships, and how improvements in the administrative structure of local government may be brought about. Among the anticipated results of the program are administrative simplification, functional consolidation, intergovernmental coöperation, and increased citizen participation in government.[78]

[76] *Laws of Utah*, 1943, ch. 29. [77] *Session Laws of Washington*, 1943, ch. 252.

[78] Data provided by courtesy of John O. Walker, director, Council on Intergovernmental Relations, Washington, D. C. See also John O. Walker, "Experiments on Ways of Improving Local Administration," *Public Management*, Vol. 26, p. 23 (Jan., 1944). The counties involved in the experiment are Blue Earth in Minnesota, Henry in Indiana, and Colquitt in Georgia.

THE AMERICAN ROAD FROM WAR TO PEACE: A SYMPOSIUM*

I. THE STRATEGY OF RECONVERSION

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I

The American people are dedicated to the prosecution of the war to a victorious conclusion. This effort is now progressing on the battlefields at a furious and costly pace. Even before it is completed in Europe, the tempo of the battle in the Pacific will increase. Whether it lasts for months or for years, the resources of our land and the energies of our people will be devoted above all else to the requirements of the conflict. That dedication can be taken for granted.

At the same time, however, reconversion has already become the major economic and political issue of the home front. The problems of transition and postwar development can neither be ignored nor postponed. The war has produced tremendous changes in our economic life, in the distribution of our industries and labor force, in the expansion of our productive capacity, and in the relation of government to economic activity. We were not prepared for war, in either a military or an economic sense. But the mobilization of our manpower and the conversion of our industries proceeded rapidly because of the unifying force of the common objective—the total defeat of our enemies. All our people saw the urgency of the nation's requirements; the funds made available for war were almost unlimited; there was singleness of purpose in our national self-exertion; and necessary controls and sanctions were quickly provided. Yet the job was not accomplished overnight. It took more than two years to place our resources on a war footing.

It is recognized by all realistic students that the reconversion job is more difficult. The process of unwinding the war machine can be completed in a short time, but the reconversion of our industries and the transfer of our war workers and veterans to peacetime production will take much longer. The time factor alone is not the most important. The problems are inherently complex. And the singleness of purpose which united all groups and sections in mobilizing for war will not be there to provide unity and coöperation in reconverting for peace. Too many believe that the process can be quite automatic—that the removal of controls and giving private enterprise the green light are all that is required to bring about full em-

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ployment in the postwar period. The process, however, is not automatic. There are alternative strategies for reconversion—and one set of policies may be more likely to contribute to an orderly procedure and fuller employment than another. The risks of chance are too great. For we know that the policies and methods of reconversion may affect the pattern of our political and economic life for a generation.

II

Fortunately, not all the policies of reconversion will have to be determined at one time. Unlike the end of World War I, demobilization is not an event which will take place at a set hour on a specific day. This time the process of demobilization and reconversion will take several years and will not be completed for some time after the end of the war in the Pacific. With careful planning and appropriate policies, demobilization therefore need not be a cataclysmic event suddenly engulfing our economic system in depression and unemployment.

We are already in the first phase of reconversion. For many months—in fact, since the end of 1943—we have been reviewing our war production requirements and cutting back many production schedules. These cutbacks have already released several hundred thousand workers from the production of munitions and canceled war contracts totaling many billions of dollars. In fact, the number of workers engaged in producing munitions has declined by nearly one million since the peak of 10.4 million reached in November, 1943. In addition, about 1.5 million servicemen have already been discharged from the armed forces. These are the first steps in demobilization—mere beginnings in reconversion. Having reached the peak in war production, we can take advantage of greater productivity and declining frequency of changes in requirements, thus meeting increasing schedules of production with decreased manpower. Some beginnings in civilian reconversion are possible. The flow of workers from the war effort will be but a trickle. If the movement is properly guided, we can be assured of an orderly process when the trickle becomes a deluge.

The second phase of reconversion begins with VE Day—the end of the European war—assuming that Germany will be knocked out first. The Japanese war will still absorb the major energies of our workers and industries. Government expenditures for war will still be in excess of 50 billion dollars. However, the end of the conflict in Europe will bring with it the first real impact of demobilization. Almost immediately, some four to five million munitions workers will be laid off; within a year, but while the war in the Pacific is still on, some two million veterans will return. Civilian production will get under way, but it is not likely that we can avoid a considerable increase in unemployment unless the resumption of civilian production is exceptionally rapid. If we can prevent a downward spiral in

spending due to the drastic cut in government outlays, we should be able to reëmploy our veterans and displaced munitions workers.

The third phase in the long process of demobilization and reconversion will come with the end of the Japanese war. At that time, some four or five million workers engaged in munitions production will be displaced and our armed forces will be released—about seven million soldiers. Not all those workers and fighters will be looking for jobs. Many will return to educational institutions to resume their training and education; others will retire from the labor force. The hours of labor will be reduced to the peacetime standard, and this also should absorb several million workers. Nevertheless, the economic system will not provide millions of new jobs without considerable transitional unemployment.

The optimists say that this unemployment will not last long. Barring a deflationary psychology, and given a reasonably stable international situation, we can, in the fourth phase of reconversion, look for a period of the most active peacetime employment since the prosperity of the twenties—the replenishment period during which the long deferred demand for all kinds of goods can be met. The needs of foreign nations for machinery and supplies required in their economic reconstruction and the accumulated needs of our own consumers and communities should provide nearly full employment for several years after the end of the war.

The fifth phase can be referred to as the postwar period. The transition from war to peace will have been completed; the demand accumulated during the war will have been met. Then the real test of our economy's capacity for insuring full employment will be provided. Will the levels of employment and national income induced by war expansion and public deficits be maintained, or are we to revert to the 1939 level of national production and employment? Can we provide a peacetime equivalent for war-induced expenditures and employment?

III

Whether we can achieve an orderly transition to peacetime full employment depends to a very substantial degree upon the policy decisions which will be made during the critical periods of reconversion lying immediately ahead. The most dangerous course for government is to assume a "hands off" policy, to rely exclusively on the fact that pent-up demand and accumulated consumer purchasing power will provide a production and employment boom. This may well be the case if consumers generally have enough confidence in their job security. If they have such, consumer and business spending may provide the economic stimulus to replace the government deficits of the war period. However, widespread unemployment following a sudden stoppage of deficit spending contains a deflationary threat of considerable proportions. If that should take place, the accumu-

lated savings of the war years will not be spent as a ready substitute for government expenditures.

These possibilities are generally recognized. They suggest that the complicated problems which must be resolved require positive action by government. As it has been expressed, "disaster may come by accident—but prosperity in the modern world can come only by planning." Such planning cannot wait until the war has been concluded. Each of the five phases of reconversion calls for certain policy decisions. We cannot simply drift into full employment or any level of production approaching the maximum use of our human and natural resources. Government must act for the nation as a whole. It must be prepared to avoid both a deflationary threat when war outlays are cut and an inflationary postwar boom which would only end in collapse. The war has taught us that our industrial plant and the productivity of our people make it technically possible for us to provide a reasonable standard of living under conditions of full employment. The miracle of production of the war years did not just happen. It called for a high degree of planning and organizing ability. These will be needed to an even greater degree in steering the economy in the troubled waters of the transition and postwar periods.

IV

That the reconversion problems will not tumble upon us in one fell swoop should make the transition period much less difficult. Even so, however, we cannot ease ourselves into peacetime production. Under the best of economic circumstances, the adjustment shock will be serious for the nation as a whole, and particularly for specific communities where war production has been concentrated to a high degree. A mere review of the economic problems created by wartime transformations suggests the character of the policy issues with which we must be concerned.

In a short few years we more than doubled our productive capacity. We built up a 90 billion-dollar war economy, superimposed upon civilian production of nearly 80 billion dollars. The full use of our natural and human resources has made it possible to raise our national income to unprecedented heights. Paradoxical as it may seem, the standard of living of millions of Americans has actually increased as a result of full employment and higher real income. After VE Day, government purchases for war will be drastically cut, and when the Pacific war is finally won, government expenditures will be reduced to about 20 to 25 per cent of their present magnitude—perhaps 20 to 25 billion dollars. Can full employment be sustained with so large a cut in public spending so quickly? Are private investment and consumer spending to be of such size as to make possible a high national income and full employment? Or is a sharp cut in national income and standard of living inevitable?

The issues of full employment and national income are the core of all postwar domestic policies. Fiscal policy, wage policy, international trade policy, government relations to business—to mention but a few—must be analyzed in their impact upon the employment level and the national income. The war has created the reality of full employment. Postwar strategy is concerned with its maintenance under conditions of peace.

Whatever the economic circumstances, the problems of the transition will challenge our economic policy-makers as never before. Our labor force, for example, has been over-expanded to meet the requirements of the armed services and war production. Between July, 1940, and July, 1944, more than 19 million persons were added to war activities, including the armed forces. In addition to providing jobs for the more than 8 million who were unemployed in 1940, we succeeded in attracting nearly 7 million new workers in excess of the normal growth of our labor force. This above-normal manpower expansion represented youth drawn away from schools, housewives, aged, and handicapped persons. Not all of these new workers will resume their former status once the war is over. A considerable proportion will remain in the labor market. The postwar labor force will thus be larger by more than its normal growth—at least for some years and until policies designed to encourage the resumption of education for the young workers and the retirement of the aged workers and housewives and other temporary workers have been developed.

Aside from its over-expanded size, the wartime labor force has been characterized by large-scale migration. Normal migration of American workers is quite extensive. However, the concentration of war production in relatively few areas, mainly in coastal cities and in industrial centers, required a much larger migration of new workers and their families. Wartime migration has been estimated at between 6 and 7 million workers, and the net migration in excess of 3.5 million. The population of many states increased sharply, that of California alone over 1¼ million and of Michigan nearly 300,000. Eighteen states and the District of Columbia experienced a net in-migration, and 30 states a net out-migration. The postwar problem of finding enough peacetime jobs to replace vanished wartime employment will be especially serious for those states that have experienced unusually large population increases.

Postwar job opportunities cannot sustain the swollen working populations of such areas. For other areas, population losses will complicate the problem of local government revenue for the support of relief and other services. Re-migration will be necessary, some of it as soon as the European war is over, most of it after VJ Day. Not in all areas will civilian production be revived at the same time; for example, technological changes in agriculture as well as in certain industries may not require as many workers as were employed in prewar years. Appropriate policies to

guide and to aid migration will be necessary to counteract aimless wandering of displaced war-workers.

The war has interrupted the normal education of a generation. Some 15 million men will have been in the armed forces. Some 2 to 3 million others will have had their education interrupted in order to play their part in the nation's war effort. Reconversion must encompass more than jobs. It must offer educational opportunities for veterans and war-workers.

Quite apart from education in the schooling sense, the war has distorted the job training of our working force. In general, we have overtrained our workers for manufacturing, and especially for the metal working trades. The manufacturing industries have expanded for war production beyond the levels which will be maintained under peacetime requirements, even at full employment. The transition period will produce a curtailment of some 3 to 4 million workers in manufacturing employment and an expansion in service and trade employment. Such a change requires a new emphasis on large-scale vocational and job training for both war-workers and returning veterans.

The termination of government contracts and the disposal of surplus materials and of government-built plants and facilities represent three aspects of one problem. Speed and fairness in the termination of contracts are imperative in order to free private business for the job of civilian production. The task is huge. Thousands of contractual relationships are involved. Industrial establishments will find their working capital tied up on government production and unfinished goods clogging their production processes. Speed in terminating such contracts, in removing surplus goods, and in providing financial settlements is essential for effective reconversion.

The end of the war will find the government in possession of surplus war materials valued at billions of dollars. The volume will be large enough to threaten seriously the orderly processes of trade and the price structure unless disposal policies and procedures are such as to safeguard private producers against a competitive threat. These policies must provide protection against unrestricted auction sales, inflationary bidding-up, speculation, and dumping.

The disposal of government-owned war plants—estimated to exceed some 15 billion dollars in value—presents somewhat different problems. This new industrial plant, built with the taxpayer's money, has enlarged our production facilities by more than one-third. Should these plants be operated by the government or sold or leased to the industry which operated them during the war—and if so, at what price and on what terms? No one would suggest that they simply be given away or be scrapped; for the most part, they represent the most modern production facilities in the nation. Nor is it to be expected that they will be operated by the

government. Such a step would involve an immediate large-scale compromise with the private enterprise system and introduce policy uncertainties apt to interfere with private reconversion planning. The most balanced proposals urge that those plants not retained by the government for security reasons or other considerations of national economic welfare, nor scrapped as out-moded or superfluous, be sold to private ownership and management.

Relaxation of government controls and reduction in government expenditures are other aspects of the reconversion problem. Wartime controls over materials, production facilities, manpower, and rationing will presumably be relaxed as soon as war requirements permit. In some instances, controls can be relaxed or canceled shortly after VE Day. When materials and manpower become adequate to provide for the needs of the war in the Pacific, there will be no justification for continuing the allocation and control procedures which have been found necessary. Price controls, however, may have to be continued until the end of the war, and perhaps for a period beyond, if the volume of goods in relation to demand presents a real threat of inflation. Price controls make inevitable some control over wage advances, perhaps with a greater degree of flexibility than has prevailed thus far.

Inflation, however, is not the principal threat, especially if civilian production can get under way with reasonable speed and if price controls can be effectively retained until the supply of consumer goods is expanded. There is a greater threat of deflation. When the European phase of the war is over, government expenditures will be slashed at a rate of above 30 billion dollars. This is a huge chunk of purchasing power. Displaced war workers, concerned about unemployment during the transition period, are not likely to dispose of savings speedily. But the cumulative effect presents the danger of a downward spiral and its deflationary consequences—in spite of the continuing government deficits. This danger will be much greater at the close of the war in the Pacific, since federal expenditures will be curtailed sharply to a rate of about 20 or 25 billion dollars.

Whether a deflationary situation can be escaped or not, it is certain that our social security system will be put to a severe test. Unemployment compensation benefits provide the first bulwark against the loss of income due to involuntary idleness. The reserves accumulated in the 51 state funds exceed 5 billion dollars. There is little danger of any general insolvency as a result of benefit payments during the transition period. Prolongation of that period, however, or mass unemployment in the wake of a deflationary trend, would place a serious burden upon the funds in many states likely to experience severe unemployment. Moreover, the shortcomings of our jobless benefit system extend beyond the problem of fund solvency, which has recently been eased by the loan provisions of the Mobilization

and Reconversion Act. The unemployment insurance laws bar from benefit millions of workers employed in federal establishments; they also exclude, in most states, employees who work for small establishments, or in agriculture and domestic service. Thus only about 30 million of our wage-earners are protected against income loss due to unemployment.

Coverage could be readily extended by amending the tax provisions of the Social Security Act. The other weaknesses of the job benefit system cannot be easily corrected. These grow out of the relatively low benefit payments, the relatively short benefit periods, and the restrictive disqualifications which result in denying benefits to many workers. The limitations result, in part, from the experience-rating tax provisions included in most of the state acts. In their effect, these shortcomings raise serious doubts about the adequacy of our unemployment aid during the most difficult economic period since the passage of the Social Security Act in 1935.

V

The strategy of demobilization and reconversion must be designed to provide an orderly transition to peacetime production, to reduce the amount and duration of unemployment during the transition, and to furnish a basis for full employment and a rising standard of living in the postwar period. Full employment does not mean a job for everyone now included in the war-expanded labor force; nor does it mean absence of unemployment. In a dynamic society such as ours, with a labor force of nearly 60 million under peacetime conditions, it is possible to have some 3 million workers unemployed even under conditions of full employment. Full employment does mean, however, a strong sustained demand for labor—an opportunity for productive work at all times. Sustained demand implies a supporting demand created by compensatory government policies whenever private investment is inadequate to provide demand alone.

Reconversion is an ill-chosen word unless it is meant to describe a process, in contrast with an objective. We cannot plan to reconvert to goals of income and employment which existed in the prewar period. We dare not reconvert to 1939 or 1929 or 1933. It cannot mean a return to normal. In view of the great progress in productivity during the war years, a return to prewar income would mean a return to a level of unemployment greater than that which prevailed at that time. Reconversion policy must mean moving forward to the maintenance of goals of employment and standards of living made possible by wartime achievements in the utilization of our natural resources and manpower.

Such a goal is ambitious. A nation aiming at it must accept the responsibility for bold planning and must understand the rôle of government in the maintenance of a national minimum standard of living. Bold as the goal may be, it is at the same time necessary. The risk of permitting the

possibility of mass unemployment is far greater than that involved in the assumption by government of the responsibilities for maintaining compensatory fiscal policies to accomplish sustained employment.

VI

In terms of the specific problems and the viewpoint outlined here, what are the policies and programs for the reconversion period?

First, it is important to identify the several aspects of reconversion as different aspects of one general problem. A piecemeal approach leads nowhere. An adequate program must represent an integrated and unified plan dealing with reconversion as a single problem. The cancellation of war contracts, the disposal of government-owned plants and surplus property, the handling of production cutbacks, the release of workers from war jobs, and the revival of civilian production are but different segments of this single problem. The centralization in one agency of responsibility for the formulation of plans and methods is more likely to produce a comprehensive and unified pattern. Recent legislation establishing an Office of War Mobilization and Reconversion is a step in that direction, although a bold congressional mandate for a positive program of reconversion was not included in the law.

Second, adequate planning during each phase of the demobilization process should mitigate the adjustment shock to our economy. By anticipating the problems to be faced and preparing appropriate measures to deal with them, reconversion can be speeded up and unemployment reduced. From now until VE Day, for example, it is possible to lay the groundwork for the absorption of demobilized servicemen and displaced war-workers. An intelligent policy for the location of production cutbacks can prevent the creation of local pools of unemployment, since it is possible, except for strategic considerations, to concentrate many cutbacks in areas where displaced labor can be readily transferred to other jobs. War requirements preclude the release of substantial amounts of materials, facilities and manpower to begin the production of civilian goods. However, we can plan now for such production—write the material specifications, make necessary changes in models and types, work out measures to overcome the inevitable bottlenecks. In addition, as supplies of materials and manpower become available, it is possible to authorize the resumption of production in certain areas. Such a program would help employers to overcome the delays incident to the initiation of production and be ready to expand their payrolls rapidly upon their release from munitions production.

After VE Day, all unnecessary controls over materials and manpower can be canceled and reconversion to civilian production will proceed faster. Short-term public works, particularly for small projects, can be

inaugurated, but it will not be the time to undertake a large-scale housing program. Depending upon the requirements for the Pacific war, a wider resumption of civilian production while the war is still on would prepare our industries for quicker employment of our soldiers when large-scale demobilization takes place.

For the third phase, when the war on all fronts has come to an end, we must anticipate considerable unemployment for many months, under the best of plans. The experts are not in agreement, and an employment forecast is a risky undertaking. It is likely, however, that 6 to 8 million workers will be out of work for a period of 6 to 9 months. The problem can be reduced if we are prepared for a large-scale housing program, whether publicly or privately financed, and if we are ready with detailed plans. Public works of all kinds, if developed in advance, could get under way during this period. A reduction in the average work-week to 40 hours from the higher wartime level should aid in absorbing many workers, but we should avoid easy solutions to unemployment by the 30-hour week proposals. A high standard of living cannot be secured by a more equal distribution of unemployment.

Finally, the big test will come after reconversion is over. The problems of the transition period are real and serious. We have to reckon with short-time unemployment; stranded areas and re-migration of workers will call for effective measures to aid in the adjustment period. However, if we can avoid a deflationary spiral, war workers and returning veterans will be absorbed in the reconverted economy and may participate in a replenishment boom when the war is over. But what beyond that? Is the pattern of World War I to be repeated? Are we to have an era of intense business activity while deferred civilian demand is being met, only to be followed by a period in which the volume of unemployment will be larger than during the months of readjustment? Productivity of workers has increased steadily and moved ahead more rapidly during the war. The labor force has also increased and will not automatically decline to its prewar levels. We may, therefore, experience a paradoxical situation—unprecedented levels of peacetime employment and national income and at the same time 8 to 10 million unemployed. In that possibility lies the real challenge presented by the objective of full employment.

To face this postwar problem we have to develop a definite compensatory program through fiscal policies framed to offset the swings in private investment. We should reduce the amount of taxes paid by the masses of workers, payroll taxes among others. When we anticipate economic recession, the normal tax rate should be reduced and advanced again when rapid economic expansion takes place. On the expenditure side, we must be prepared with a program designed to stimulate jobs whenever private investment for any reason is not adequate to provide full employment. A

fiscal policy to offset the swings in private investment need not always involve direct government outlays. The guarantee loan provisions, found practicable in the field of housing, can be extended to other business, especially business establishments of moderate size. Beyond that, however, there is need for a fiscal policy tied into a program for the development of our resources and social services. Investments such as the TVA and the now proposed MVA for the Missouri Valley are direct outlays in the initial years. Once made, they open up wide areas for private investment, raise the productivity of the people, increase their purchasing power, and thus benefit the entire nation. What applies to power development applies equally to housing, public health facilities, and highway construction. It applies also to our human resources, our facilities for education, health, and social security.

Full employment states the objective of a reconversion program in terms of jobs for workers. Its realization, however, is essential to the well-being of every group and section of our population. It can insure a market for our farmers, an income for business, big and small. Less than full employment spells less than full use of our resources and stagnation for many sections of our population. The war has taught us that it need not be; it has taught us also that to achieve full employment requires the closest collaboration between government, industry, and labor. There is no easy formula to provide us with a peacetime equivalent to the wartime dangers which made full employment possible. But if we are not to revert to a prewar national income which would spell economic ruin, we must recognize that the strategy of reconversion calls for an audacious policy to redeem the pledge that full employment is our national objective.

II. THE FEDERAL GOVERNMENT'S RÔLE IN THE POSTWAR ECONOMY

JAMES G. PATTON

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I

A good many years ago, Thomas Jefferson said: "Against us are . . . all the officers of the government, all who want to be officers, all timid men who prefer the calm of despotism to the boisterous sea of liberty. It would give you a fever were I to name to you the apostates who have gone over to these heresies, men who were Samsons in the field and Solomons in the council, but who have had their heads shorn." Today, those of us who espouse so-called liberal and progressive causes sometimes feel the way the author of the Declaration of Independence must have felt when he set down these words of fire.

Events of recent months have not reassured us. Looking ahead, we can see that the war in Europe is moving toward a climax. The end of the fighting is still a matter of speculation, but it seems obvious that it will be far sooner than would have been thought possible only half a year ago. More pertinently, whenever the end comes, it will come sooner than proper preparation for it within this country.

Illustrative of this condition is what has been happening on Capitol Hill. Up to the time of this writing, nearly everything that has been done legislatively has been an incitement to unemployment. Almost nothing has been done to provide an adequate incentive toward full employment. Two major pieces of legislation aimed at solution of postwar problems have been adopted. One of these is the current tax law. The other is the Contract Settlement Act. Neither does anything about the central postwar problem—the maintenance of full employment.

The principal provisions for the postwar era embodied in the tax law are clauses that allow corporations to collect tax refunds estimated to amount to thirty billion dollars or more. Like all private funds, that money is at the mercy of the economic climate. If foul weather appears in prospect, even four or five years ahead, it will not flow into work-providing investment after its return to business. That huge sum, plus other billions already in private hands, may lie idle, a drain on the productive power of the country, when it should be at work providing jobs and the products of work that would raise living levels all over the country.

On the other hand, the Contract Settlement Act, while a far better law than seemed likely when the Senate and House of Representatives began debating it, remains essentially a measure designed to promote the liquidation of productive investment. True, this investment is in war production, and hence would serve no good end in peace. Nevertheless, the capital that will be liquidated with the termination of war contracts is money which otherwise would be producing jobs. No provision whatever has been made for the transfer of the investment and productive power represented in these contracts to the duty of providing jobs and goods for civilians.

I stress this fact because, to my mind, it needs repeated emphasis when consideration is given to the rôle of government in achieving and sustaining peacetime prosperity. One must bear in mind that the war prosperity which the nation has achieved is without parallel in history. It has proved to the United States and the world that a miraculous opportunity for improving the living conditions and well-being of the masses of people now awaits, and that full use of the powers of government in the stimulation of production is the handle with which to seize upon this opportunity. That is why the two opposite sets of factors should ever be kept in mind:

our amazing production for war, our amazing unpreparedness to produce for peace.

It will be clear that I foresee and welcome a greater participation by government in economic activity in the United States than this country has before had in time of peace. It seems to me that the war has demonstrated, once and for all, finally and conclusively, the inevitability of such a development. Throughout the period of the New Deal, the approach to governmental participation was tentative. While the country was lifted out of the depth of depression and imminence of chaos, the experiment never quite indicated what the force of the concentrated economic power of the nation could accomplish. The war has shown it. It has shown, too, that the means for such concentration of economic force exists in the government, and that this force is irresistible when used for the general public good.

I take it, then, that the people have had the wartime record impressed upon them so profoundly that it will never be forgotten. I think nearly everyone agrees that no political party will dare to allow a repetition of the conditions of 1929–32. Finally, I feel that it behooves us now to settle in our minds the ways in which the tremendous power of government should be exercised, the areas in which it should be applied, and the safeguards we should prepare in order to see to it that it is used for the general public good.

In modern connotation, that is our "boisterous sea of liberty." We must chart the ways upon it just as Jefferson and his colleagues charted their ways across the equally boisterous sea of their day. And I doubt whether we are in as much peril, whether the ways are as obscure and uncertain now. We should remember always that those great captains were sufficiently strong of heart to stake "our lives, our fortunes, and our sacred honor" upon a course as bold as men ever chose.

II

First, let us look, with as much honesty and intelligence as we can command, at the nature of the problem and the points of major disagreement. It is not a good thing for men to argue violently about words—phrases like "states' rights" or "free enterprise." There is much validity in the ideas back of those phrases when they are rightly conceived and when they represent expressions of true faith rather than slogans beneath which to hide other purposes. For instance, when "states' rights" is meant to reflect the power and vitality of the democratic principle, I have no difficulty in finding a common meeting-ground with proponents of that principle. Nor is it hard for me to endorse "free enterprise" when the freedom referred to is the achievement for more and more people of greater opportunity in fuller freedom from want and fear. That is the kind of "free enterprise" which

means something to me, not the shibboleth paraded through the slick-paper magazine advertisements of giant corporations seeking freedom for exploitation.

If we are to tackle the matter honestly, we must begin at the top. We must face such questions as these: Is the national government too big now? How far can it go as the regulator of economic life without danger of totalitarianism? What are the controls it should exercise and what are the brakes to be put upon it? Are such proposed measures as federalization of unemployment compensation steps toward despotism? Can virility of local political units be promoted in a national economy at once so large and so comprehensive as ours?

Let us look first at the rôle of the national government in the transition from war to peace, and in the peace itself. To my mind, the answer is simple. The national government must fulfill two major functions. It must provide the economic stability essential to the future functioning of the American system as we have known it to date. And it must exercise its power toward a more equitable distribution of benefits among all of the people.

Equally important, however, is the question of how it shall do this. There was much similarity, let us remember, between some of the things that Nazi Germany did and those that Soviet Russia did during the thirties. The difference was in the method and the ends sought. I consider it vital for the future well-being of this country that the national government intervene at as few points as possible, but that it intervene powerfully at those points. The key to successful retention and expansion of democracy, it seems to me, lies in successful application of this principle. The war has made plain that the national government must play a decisive rôle in the economy. However, this influence can be most fruitful if it is applied at a limited number of points. In other words, if the national government will act strongly enough in the absolutely essential areas, the number of areas where it needs to act will be kept to a minimum.

Perhaps a particular instance will better serve to illustrate my meaning than further generalization. During the past summer, I proposed a "full employment" amendment to the then pending Kilgore bill in the Senate, and asked the President and members of Congress to support it. The amendment has been redrafted into a separate measure since the defeat of the Kilgore bill. Under the new bill, the national government would undertake to guarantee every year a total national investment, including both public and private, that would result in full employment and full production.

In detail, the bill calls upon the Joint Committee on Internal Revenue Taxation annually to estimate the amount of private investment which reasonably may be expected to be forthcoming. If this investment is such

as to offer the prospect of employing everyone who is willing and able to work, that is the end of the matter. If, on the other hand, the estimated total investment (including prospective state and local expenditures of this kind) will not be sufficient to assure full employment, then the national government—in this instance through use of funds of the Reconstruction Finance Corporation—would offer for a limited period to make loans to business up to the amount needed to increase investment to the necessary total. At the end of the specified period, if total investment still remains below the requirements of full employment, sufficient funds to make up the difference would be appropriated by Congress, this money to be spent in a carefully planned national works program.

The proposal, of course, looks toward an American compensatory fiscal policy. I think this is a predictable development. Virtually all governments in the past decade have resorted to similar policies in order to keep their economies going. The principal question is whether we shall apply such a policy haphazardly, as we have been forced to do thus far, or whether we shall set it up as a permanent phase of our national policy, use it carefully but effectively, and achieve with it the greatest results attainable.

The measure I have proposed will, I believe, enable us to do this. But it also illustrates my feeling that if the government acts with sufficient boldness in fundamentals, there need be little fear of undesirable incursions into local or personal concerns. A bill like this would use the national power to create a permanently favorable economic climate, favorable to labor and business alike. We have never had such a permanent climate. Until we live in it for a decade or two, we shall not know what it could bring about. If business could be assured that cyclic cataclysms of deflation and inflation, constriction of investment and buying power, and bloating of savings deposits will not occur, who knows what new miracles of production it would undertake? If working people could be sure that they need not fear unemployment, or, to put it positively, if they could know that they would be usefully at work all of their working lives, who knows what new miracles of production they could bring about through their labor and their spending?

If the national government should take action along these lines, at once comprehensive and generative, many of our worries about its rôle would end. There seems to me little doubt, for instance, that with such a guarantee in law the need for large government expenditures would be minimized, for the guarantee itself would be sufficient to encourage investment of private capital. The assurance of full buying power would mean a permanent market, and many of our fears about further piling up the national debt would end. Not only would it be likely that we should never have to use national funds on such a gigantic scale as during the war, but even

with lower taxes the tremendous increase in peacetime tax returns as compared with the revenue from a depressed economy would place the national government on the firmest budgetary and fiscal base it has ever had. This process, too, has been illustrated by the war. Revenue for the years of greatest national expenditures, 1943 and 1944, amounted to $23,385,000,000 and $45,408,000,000 respectively, as compared with a total national income of forty billions in 1932. Thus, I conclude that even in order to keep our national fiscal system in shape, judged by private budgetary standards, national action as here indicated is imperative.

That is one illustration. Of course, it leaves much unanswered. A bill like the one I have proposed is certainly no panacea. There remain the problems of planning a works program—not merely as a "made-work" proposition but as a continuing program of investment in enterprises that would be permanent national assets and result in ever-increasing conservation of, and yield from, our natural resources. There would still remain the problem of price stability. There would still remain the problem of inequitable wages as between industries and categories of workers—and many other issues.

But it seems to me that the principle of forceful government action at a minimum number of points holds good in other respects. Let us again turn to the war effort for our lesson. It will be recalled that in the so-called defense period many of the great industrialists were very reluctant to convert for war. The automobile industry comes first to mind, but there were other instances. Ultimately, governmental action and controls brought about the change-over. How did the government proceed, with obvious benefits to the industries affected?

There were a number of ways. For one thing, the government gave business exceedingly generous terms and assistance. For another, it brought men from business itself into the government to help make the switch. But I doubt whether any of these have been the really decisive factors. Probably the most important single cause in compelling the conversion was the government's power to allocate raw materials. With this power, government needed little else. It could require action in the national interest, in ways that would contribute most to defense and war efforts.

Government, of course, did not act arbitrarily in the use of this power. To my way of thinking, it went too far in the other direction. I believe that it permitted undue profits and undue strengthening of monopoly, and that forebearance with tardy converters was pushed past reason. Yet that is not pertinent here. What is pertinent is that many of the other powers of government became superfluous to the immediate economic task of conversion to war, once government had the power to allocate raw materials.

It is this kind of influence that government can best exert in the interest

of free enterprise—both the free enterprise certain business men talk about and the free enterprise which means the maximum chance at a good life for the most people. Perhaps I should add that my illustration does not mean that I am advocating indefinite allocation of raw materials to industry. Rather, what I am saying is that wartime raw-materials control exemplifies one basic principle that should govern the degree and kind of economic participation by government.

III

Beyond this basic rôle as stabilizer, as economic guarantor, there is another and more familiar rôle that government will be required to play—that of regulator. Almost since the birth of the Republic, we have been accustomed to the performance of this function. The innumerable regulations of freight rates, the anti-trust laws, the Federal Trade Commission—these are but some of the scores of ways in which government, state and national alike, acts as umpire of contending economic alignments and as arbiter between public and private interests.

But the rôle of regulator probably will go beyond this customary refereeing. The success of the Tennessee Valley Authority has shown us a new and fruitful way in which government can contribute to a freely and healthfully functioning economy. This is the furnishing of "yardstick" enterprises. TVA's record demonstrates that a public agency has a definite and needed job to do here.

In the Tennessee Valley, since TVA came in with its low schedules of electric rates, remarkable things have happened. Utility companies have been enabled to reduce their own rates because TVA proved that mass volume of use resulting from lower rates could assure adequate operation margins and net income. Appliance firms, including utilities, found that a vast new market, in some aspects one of the greatest in the country, had arisen because of the lowered rates. New private industries came to flourish in the Valley as a result of increased sales, availability of cheap power, and elimination of the danger of monopoly.

It is my feeling that the nation has now an opportunity to extend the TVA "yardstick" principle through the retention in government hands of some of the war and defense plants that can be put to use in civilian production. This should not be done on a scale or in a way likely to damage private business and industry. However, it does not follow that such damage would necessarily result. Rather, I believe that if the TVA principle is conscientiously followed, great benefits would flow not only to the average citizen but to industry itself. Operation could be through government corporations set up for the purpose, through employment of managers by government agencies already in charge of the plants, through contracts with private business, plus adequate government controls. The form

makes little difference so long as the spirit is genuinely that of search for the public good.

Careful selection should be made of the categories of plants to be retained in government hands and operated under government auspices. There should be equal care in setting them up in such a way as to insure real "yardstick" operation, so that useful precedents and guides would result from it. Location, need for the product, regional differentiations, availability of raw materials, structure of the particular industry in which the plant would be a unit—these are some of the considerations involved. Here is a wholly legitimate function of government, one that can provide an automatic check on private business operations in the interest of other business men and the people at large.

Another element in government "yardstick" activities that has not received due attention in the discussion of disposal of war plants is the experimental factor. When TVA announced its schedule of electric rates, there was widespread skepticism in industry as to the results. No private financier or industrialist at that time could have risked his own or his stockholders' money on so vast an untried scheme, however promising it might have been.

Many considerations deter private business from embarking upon such enterprises. The purpose of private business is to make profits. The purpose of government enterprise is different. It should be devoted to assistance to private business in making limited but steady profits, to promotion of the public good, to experimentation in fields where the prospective gain to the nation outweighs possible financial loss, to furnishing goods or services not profitable in monetary terms but productive of public benefit. In short, "yardstick" operation means more to me than simply another regulatory instrument. It means also an instrument of experimentation and a means of performing public functions.

This is today a matter of greatest concern to farmers. Many of the plants built by the government or with a preponderant investment of public funds touch directly upon agriculture. Some use farm products, foods, and fibres. Others produce for the farm and farm home. Among them are alcohol plants using grain, new hemp-processing plants that suggest a permanent new market for many farmers, fertilizer plants, and textile factories. The Department of Agriculture already has recommended that forty per cent of the present synthetic-nitrogen plant capacity be devoted in peacetime to the production of fertilizer.

Still another aspect of this phase of reconversion relates to coöperatives. Experience has established the fact that coöperatives have a large and growing place in our economy, that they can help to make a democratic society more effective and workable economically. In this country and elsewhere, coöperatives not only have lowered costs to their own mem-

bers but have served the very "yardstick" function I have been talking about. They thereby contribute to the healthy, truly free operation of private enterprise. For these reasons, the government should take hold of the opportunity to make some convertible war-plants available to those coöperatives which have proved to be genuinely member-controlled organizations, either through lease or through credit arrangements. It may be questioned whether most of the plants are commercially feasible in time of peace, or whether private operation would meet the needs of the people. Thus it seems to me that government should see to it that they are kept for public uses.

To sum up, the second principle I should advance is that the area of government responsibility in the national economy be broadened from the negative conception of policeman to the positive one of test pilot or pioneer.

IV

At all times and in all places, men have been both helped and hindered by phrases—words that can be symbols of shining truth or masks used to create confusion and hide deception. "States' rights" now belongs to the latter kind. Whatever validity it once had as a device in which men believed and which stood for something worth fighting for, the phrase in our time has become meaningless in itself and significant only for the purposes for which it is employed.

In the last few years, "states' rights" increasingly has become the shibboleth of an unofficial coalition party of vested economic interest which itself has gone farther to destroy local pride and state dignity than any other group. Among those who use the phrase are the masters of great corporations that thrive on interstate evasion of state authority. It is unfortunate that they have chosen "states' rights" as an "issue"; it is still more unfortunate that those who stand against them have too often accepted battle on these terms.

The fact of the matter is that the swift economic tides of the last century, the tight controls of government exercised during this time by one oligarchy of wealth or another, have severely strained the federal system. The nation needs to face squarely the problem of the respective state and national areas of jurisdiction—not in theoretical hair-splitting about sovereignty, but in an earnest effort to define the appropriate and most fruitful spheres of operation of each. Beyond that, wholly new jurisdictional problems are involved. Some of these are of more than state, but less than national, complexion. Others, of less than state significance, focus on the national rôle in the local community or county. None of them has a logical relation to "states' rights."

The first step in clarification of the differing duties and responsibilities

of state and national governments, it seems to me, is to emphasize the essential idea of partnership that was so instrumental in the erection of the federal structure. The colonies banded together and ultimately adopted the Constitution simply in order to benefit themselves, the people of each state. In order to gain this benefit, each state ceded certain powers to the states as a whole, the United States, including the ceding state. The difference between those days and ours is that the individual states then were the decisive economic factor. They were the ones to retain powers or to cede them. Since then, the development of economic unity and the very dominance of great economic interests in the government of their time have rendered the central government the repository of economic power. It is the national government that must now make cessions, at least so far as public funds are concerned.

Thus, the federal-aid principle presents itself as a sound principle, and one of great importance in the transition to peace. It is the most practicable method of maintaining that approximate equality of opportunity as between citizens of rich states and of poor states which embodies a genuine "state's right." Federal aid to education, for example, would seem to be a minimum requirement in a democracy whose growth is pretty much contingent on equal schooling for all children.

Yet the federal-aid principle in itself needs adjustment. The most flagrant and consistent flouting of the public interest by public servants in our time is exemplified in one segment of the federal-aid system. This is the use by a private organization, the American Farm Bureau Federation, of the county agents and the information facilities of the Extension Service to promote its own expansion and influence. It is neither good "states' rights" nor a matter of local right or national right to permit public money to be used for private purposes. Indeed, such laxity by democratic governments elsewhere has been the forerunner of fascism.

Some hard thinking and firm action is required in the extension of the federal-aid system. In the first place, we have learned enough to know that federal money should not be turned over to the states without obligation on their part and without commitment on the national government's part to review the use of the money. In fact, a written undertaking committing both federal and state governments to specific action ought to be a fixed part of the procedure in any federal-state arrangement. And these stipulations ought not to be formalities. Under the Smith-Lever Act, the federal funds appropriated for extension work can be withheld by the Secretary of Agriculture if, upon review of the report of a state government, he finds the latter's actions unsatisfactory. This is an admirable provision; the only trouble is that it is never enforced. Secretaries of Agriculture do not withhold funds, no matter how obnoxious the course of a state extension service may become. They fear the political power of the

farm bloc as expressed on Capitol Hill. But this is a problem that must be faced; for otherwise the whole federal-aid structure, including funds for roads, social security, and other indispensable services, eventually will be placed in jeopardy.

Of comparable importance is the necessity for clear definition of the responsibilities of national and state agencies. It is pretty well settled by this time that education belongs to the states; by and large, acceptance of that principle by both national and state governments has worked out well in practice. This does not mean, of course, that the national government should not appropriate funds to supplement state education funds, or that it should continue to turn such funds over to a state where the money could be spent to assist in scandalous abuses. But it does mean that a workable division exists; that the states will attend to all of the policies and programs of the public school systems, and that the national government will limit its activity to provision of funds needed mainly to supplement the money available in the poorer states.

A similar demarcation of jurisdictions is needed all along the line, particularly in agricultural and labor legislation. A corollary, then, to the basic directional function of government and the "yardstick" functions is the refinement and adaptation of the federal system to modern economics.

V

Since we are going to have a national government that is "prepared to accept in future the responsibility for taking action at the earliest possible stage to arrest a threatened slump," as Lord Woolton's celebrated report to Parliament put it for England, we would better get down to the business of keeping that government wieldy, of finding ways to humanize it and to make its great national programs fit people and places more closely than they have up to this point. And we would better seek guaranties that it will govern in the best interest of all the people, and in the interest of their liberties.

As I have indicated earlier, there are two main aspects of this matter of keeping government human and democratic. One is regional, in the sense that all of the problems centering about natural resources and their use cross state lines yet are rarely nation-wide—except in so far as the region is part of the nation. Here again, the Tennessee Valley Authority is a good object-lesson; and I cannot do better than quote Chairman Lilienthal of the Authority on divorcing "the two ideas of authority and administration of authority."

In other words, the curse of bigness is not inevitable just because the power of the national government must be used. It is still possible to decentralize in the sense in which TVA is a decentralization, and in fields other than resources development. To state the guiding principle, national

power is made much more effective, is far less liable to the diseases of statism, if its administration is moved out near the points where it is to be applied. Chairman Lilienthal has described "the TVA idea in its essentials" as follows: ". . . a federal autonomous agency, with authority to make its decisions in the region . . . responsibility to deal with resources, as a unified whole, clearly fixed in the regional agency, not divided among several centralized federal agencies . . . a policy, fixed by law, that the federal regional agency work coöperatively with and through local and state agencies."

That summary seems to require little elaboration. It is a helpful formula for a future in which government must both use its economic powers and develop new ones if the country is not to have periodic crises of unemployment. It will contribute much to the successful use of economic power if such power is applied as it now is in the Tennessee Valley.

VI

Economic matters, after all, are human affairs. There is a strong temptation in economic discussion to slip into rather inhuman terminology, and even to take the human factor for granted. We cannot afford to do this, for no sound economic decision is reached without according full weight to the human considerations involved. That is why I want to end this paper with a plea for the development of new governmental mechanisms that will permit the widest possible participation by citizens in the functioning of their government. In a sense, this is the most critical point of those I have tried to make here. If our democratic devices and institutions can keep pace with our technology and with our economic triumphs, then we will have won a great victory in man's long and arduous campaign for the better life.

During the war we have succeeded remarkably well in keeping our civil liberties. In contrast with the previous World War, flagrant violations have been few and far between. So, too, we have gone much farther toward recruiting the full talent and strength of the people. We have not achieved full mobilization of this talent and strength, but we have come nearer it than ever before; and the extent of our success on this score has been defined almost exactly by the extent of our success in waging war democratically. Suffice it to call attention only to one phase of this democratization of the war effort, i.e., the use of citizen boards, such as the selective service boards and the war price and rationing boards, in obtaining wholehearted participation in waging the war. To the same degree that these boards have been representative of local citizens and have locally applied national policies have they achieved their task. On the whole, I think we can be very proud of them.

Similar success has attended some of the labor-management committees

in war industries. But it is in agriculture that the process of democratizing both the administrative and policy-making phases of government has gone farthest. This is because long before the war the Department of Agriculture, under Henry A. Wallace, pioneered in evolving a variety of mechanisms that brought the citizen into a living relationship with his government. Indeed, these citizen groups were even more vital and significant in peace than they have been in war, when the exigencies of manpower and equipment shortages and the pressure for increased production have entirely changed the problems faced by farmers.

"I find it impossible," Mr. Lilienthal says, drawing upon his experience with TVA, "to comprehend how democracy can be a living reality if people are remote from their government and in their daily lives are not made a part of it, or if the control and direction of making a living—industry, farming, the distribution of goods—is far removed from the stream of life and from the local community." And Howard R. Tolley, chief of the Bureau of Agricultural Economics, who more than any other man has consistently sought to bring democratic controls into agricultural programs, has put it this way: "To streamline itself against the stresses and problems of this age, democracy will have to insist upon active partnership between the citizen, the expert, and the administrator. Each of these has a contribution to make in the development of wise public plans and policies, and a fusion of judgment as to what is desirable and undesirable is essential to modern government. The part that American farm men and women have taken in molding agricultural policy and action has . . . contributed valuably to the health of American democracy."

That is the note on which I should like to close. There is no longer any doubt that the government must play a decisive rôle in economic life. The question, rather, is how to insure democracy in the use of the government's economic power. I suggest, first, that the points at which that economic power is applied be limited in number but powerful in influence; second, that the areas in which direct use is made of the government's economic authority be clearly defined; third, that the federal-aid scheme be more clearly thought through; fourth, that decentralized administration accompany the centralization of authority.

And finally I suggest that the people of the country be brought into the processes of government, and that government, in turn, be carried back to the people. In them, in the long run, resides all our strength and all our hope, and the more fully they are trusted the greater will be our advance.

III. THE RECONVERSION PHASE OF DEMOBILIZATION

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I

In Congress, in the Administration, and in the country generally, the prevailing reconversion philosophy has contemplated a return to the government-industry relationships existing prior to the establishment of wartime economic controls. It is worth noting that the projection of a path to the *status quo ante bellum* has not been supported by extensive critical analysis of its basic assumption that in this direction lies a continuation of high-level production. In each aspect of reconversion planning, the dominant objective has been to devise measures of control liquidation to be executed in as orderly and rapid a manner as is administratively feasible. The widespread acceptance of the fundamental philosophy resulted in a concentration of effort on organizational and procedural problems and on secondary issues of policy—difficult and important issues, but nevertheless subsidiary.

The predominant tone of planning was expressed by Bernard M. Baruch and John M. Hancock in their remarkably influential *Report on War and Post-War Adjustment Policies*.[1] This statement was prepared under the direction of Mr. Baruch, who became chief of a unit on war and post-war adjustment policies in the Office of War Mobilization on October 15, 1943. While the report, put together in a very short time, was notable as a *tour de force*, it did not meet the desires of those who felt that the opportunity should have been grasped for a penetrating examination of the adequacy of our institutional arrangements to prevent a recurrence of the great depression. Although obviously not intended as a profound analysis of the latent problems of our economy, the document had the great merit of presenting a workable plan for immediate action. Moreover, a respectable body of opinion saw adequate time for the evolution of public policy in the probability that mass industrial unemployment would be postponed by the accumulated demand for civilian goods. But the conjecture remained that the promised "adventure in prosperity," like most adventures, might not last very long.

Regardless of the soundness of the fundamental philosophy, the task for which reconversion planners had to prepare challenged the capacity of public administrators and private managers. Plans had to be made to expedite the conversion of tens of thousands of factories from the production

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[1] Washington, Government Printing Office, Feb. 15, 1944.

of war goods to peacetime commodities. Millions of people—perhaps four or five millions following the defeat of Germany—would have to seek other work. The task was truly monumental, but to the thousands of persons engaged in preparing the ground it was more apt to be a tedious plotting of detail on countless smaller matters. In operation, the task splintered into preparation principally for: (1) the cancellation of war contracts; (2) the adjustment of War Production Board controls to make materials available for civilian purposes to plants released by contract cancellations; (3) the settlement of claims under terminated war contracts; and (4) the disposal of surplus war property. Closely related were such matters as transitional adjustments in price policy, the demobilization of military personnel, the transfer and retraining of workers in war industry, and adaptations of the existing system of unemployment insurance.

II

The rate and composition of industrial reconversion are fixed by the pattern of cancellation of war contracts. The magnitude and incidence of contract cancellation determine the resources—facilities, materials, manpower, management—to be available for diversion to non-military production. The process of contract cancellation acquired importance from the assumption that Germany would be defeated before Japan, thus foreshadowing a reduction of from one-third to one-half in total war production. Partial rather than complete reconversion was in prospect, a factor which introduced many administrative complexities. The advance planning of contract cancellation during 1944 has involved two processes: (1) estimating reductions in requirements for war material which would occur under probable changes in the military situation; (2) preparing tentative schedules of contract termination, plant by plant, to adjust war production accordingly.

Advance estimates of military production required forecasts of the scope of operations to be carried on in the Pacific, the quantities of inventory to be on hand at the time of the shift in focus of operations, and the continuing needs in terms of reduced rates of production of particular items. The strategic assumptions tended to concentrate production-adjustment planning in the War Department. The expectation was that the naval and maritime production programs would be less affected by the conclusion of hostilities in Europe than the requirements of the Army Service Forces and the Army Air Forces. The periodic revisions of the Army Supply Program during 1944 have included estimates of the production rates which would be appropriate should Germany surrender at assumed dates.

Determination of the kinds and quantities of weapons and supplies to be continued in production, and hence of the reductions to be made,

governs to a large degree the incidence of contract cancellations. If, for example, a particular weapon is no longer needed, all producers must be cancelled out. However, when multiple sources of supply exist for an item needed in reduced quantity, a selection has to be made of firms to be released from war production unless horizontal reductions are applied. Obviously, such selections have to be made in advance of large-scale cancellations; and if contracts are not to be terminated but reduced, the amounts of reduction have to be decided in advance. Even before September, 1944, large numbers of terminations—over 25,000 by the War Department alone—were made in connection with normal adjustments in procurement.[2] The formalized procedures developed to make these adjustments served as a basis also for the preparation of longer-range plans. In making cancellations in the normal course of business, changes in required quantities flowed from the appropriate military authority to the unit of the War Department or the Navy with responsibility for the purchase of the item in question, e.g., the small-arms branch of the Ordnance Department of the Army Service Forces. At that point the factors bearing on the choice of producers to be eliminated or reduced were assembled for tentative decision. Usually the matter came before a board of review at a higher level, and in the case of large cutbacks before a departmental board.

In making these choices, the formal policy of the War Department stressed such considerations as whether a plant was located in a tight labor area, whether it was a small plant, whether government-owned plants could be shut down and retained for stand-by, and other like factors, including relative price.[3] Similar regulations existed in the Navy and Maritime Commission. In practice, however, price, quality, and dependability of contractors in making deliveries were the most important factors in determining which contracts were to be cancelled.

For the most part, contract cancellation was carried on independently by each procurement agency until June, 1944, when the Director of War Mobilization ordered the procurement agencies to clear proposed cancellations with the Production Executive Committee of the War Production Board. The order followed criticism of the Navy for its handling of the Brewster aircraft contract. Under the procedures adopted, the procuring agencies reported to the Production Executive Committee Staff prospective cancellations, together with justification for the proposed action, when the scheduled reduction in deliveries amounted to over one million dollars a month. In theory, this review by the Production Executive Committee Staff—on which the procurement agencies, the War Production Board, and the War Manpower Commission were represented—created an oppor-

[2] These terminations did not reduce over-all war production. New contracts were constantly being let, often in the same plants where other contracts had been cancelled.

[3] See War Department, Procurement Regulation 15.

tunity for placing new contracts in facilities to be released, assured consideration of the manpower factor, and stimulated greater care in planning within the procurement agencies.

Through procedures generally similar to those for current cutbacks, the War Department, on the basis of estimated reductions in need on V-Day in Europe, made tentative determinations of producers to be released and contracts to be reduced at that time. This involved a job not unlike working one's way through a Sears-Roebuck catalogue and determining how many thousands of each item were to be procured, at what rate each should be delivered, from what firms each should be bought, and what proportion of the total each firm should furnish. Information assembled through this process could be transmitted to the War Production Board for a mass review and for planning changes in the Board's controls to be instituted concurrently with major cutbacks.[4]

In the earlier stages of planning, considerable weight was given this problem of selection of contracts for cancellation. The Baruch-Hancock report recommended that preference "be given to such factors as releasing plants which can be converted most readily to desirable peacetime production; giving smaller enterprises an opportunity to return to civilian production earlier, easing their termination problems; balancing cancellations in the various communities; reducing overswollen war communities so as to ease their ultimate return to an inevitably slimmer peacetime level." The War Department adopted policies somewhat similar to those recommended.[5] However, the administrative feasibility of applying such standards and their practicability in the light of the factual range of choice among producers were open to doubt. At any rate, no policies on these questions binding on all procurement agencies were promulgated.

In the Navy and Maritime Commission, advance planning of program reductions and contract cancellations did not proceed to the same degree as in the War Department. This difference arose from the strategic assumption stated earlier; and the correctness of the policy of these agencies depended on the correctness of that assumption.

The general approach in planning contract cancellation involved an assumption that a major cutback would be effected more or less abruptly after the surrender of Germany. It was contended in certain quarters that this would be too much for the economy to digest and that, therefore, reductions in production should anticipate the defeat of Germany and be accomplished over a longer period. The argument rested on assertions, made by War Production Board economists and others, that for a great

[4] See the testimony of James F. Byrnes, Director of War Mobilization, in description of the above process, in *Hearings*, Subcommittee of Senate Committee on Military Affairs, on S. 1730 and S. 1823, Pt. 7 (June 12, 1944), pp. 250–301.

[5] For relevant testimony, see *ibid.*, Pt. 9 (July 10, 11, 12, 1944), pp. 520–522.

range of military items reserves on hand justified immediate reductions in production.

III

Planning for the adjustment of War Production Board controls had to be geared to military procurement programming. In its normal operations, the Board had sought to maintain a balance between the supply and demand for critical materials and components and also to limit total production requirements to the available supply of manpower. These ends demanded in some instances detailed determinations of the quantities, and at times of the types, of non-military products which might be manufactured. All these policies were implemented through various types of priorities and allocations.[6] Preparation for adjustments of these controls required forecasts of the supply-demand situation for major commodities to determine which limitations had to be retained to protect continued military production or, conversely, which controls could be lifted to permit increased civilian production.

The initial task in planning industrial adjustment was to estimate the probable quantities and types of resources to be released by contract cancellation. On the basis of provisional programs of requirements prepared by the military agencies, it was possible for the War Production Board to compute roughly the quantities of materials, the capacities of plants in various categories, and the quantity of manpower to be available for non-military production after the defeat of Germany. These estimates depended for their accuracy upon the nature of the advance programming of contract cancellation by the procurement agencies.

Through review by the War Production Board of tentative contract cancellation plans of the War Department, the stage was set in the summer of 1944 for bringing to bear upon military plans advice for such modification as might facilitate resumption of civilian production. However, no explicit policies were adopted to guide the procurement agencies in the selection of producers for removal from war production. Indeed, the formulation and application of policy were difficult in view of the complexity of the pattern of production and the practical immunity of substantial portions—those carried on under subcontracts—from administrative control. Nevertheless, there was considerable discussion of policy suggestions such as one that small business should be removed from war production first and given a head start in reconversion. Although in some cases the procurement agencies altered their plans at the suggestion of the War Production Board, the review of their plans was mainly a means for as-

[6] No adequate description of the workings of the War Production Board is yet available. However, in broad principle the agency has operated in the same fashion as the War Industries Board of World War I, but with far greater effectiveness and much more highly developed techniques.

certaining the broad outlines of events to come in order that preparations might be made for adjustments in the controls over non-military production.

In devising controls to be needed after the European war, the dominant consideration was the question of what would be necessary to keep management and men at work on the reduced war program. Continuation of war production would prevent unlimited civilian production, but it was clear that very substantial volumes of non-military output would be feasible. The nub of the planning problem was to determine what non-military production could be authorized and by what methods without draining resources from the continuing military program.

Certain policies were adopted comparatively early. In June, 1944, the chairman of the War Production Board decided two fundamental questions. He ruled that firms that could be permitted to resume production without interference with war needs should be allowed to do so, regardless of the fact that their competitors might still be tied up with war contracts. Similarly, he decided that in the transitional period new firms should be allowed to enter an industry without regard to whether all firms with a prior record of production in the industry had yet reconverted. Thus he rejected the "Cherokee strip" theory of reconversion and rebuffed the proponents of the "industrial grandfather clause."[7]

In addition to these policies, the Board adopted several orders laying a basis for limited reconversion. In July, 1944, the manufacture of experimental models was permitted; expenditures of $5,000 per month in a single plant were allowed by blanket rule, while administrative authorization of larger outlays was required.[8] Another action permitted manufacturers to place orders for tools and dies for ultimate use in civilian production, with the understanding that the tools and dies would be scheduled so as not to interfere with war production.[9] These orders were potentially of significance in facilitating managerial arrangements for resumption of civilian production.[10]

Another order, effective August 15, 1944, permitted "spot" authoriza-

[7] War Production Board, Press Release 5946, June 18, 1944. The general course of action had been foreshadowed in a letter by the chairman to Senator Francis Maloney on March 7, 1944, reprinted in *Cong. Rec.* Mar. 9, 1944, p. 2433.

[8] *Federal Register*, Vol. 9, pp. 8781–8782.

[9] *Federal Register*, Vol. 9, pp. 9202–9203.

[10] It should be noted that during 1944 reconversion of a sort was almost constantly going on. The increased supply of most materials permitted literally hundreds of modifications of regulations. The effect was not a great increase in total civilian production, but a removal of substitution requirements, of limits on the variety of models, and of specification standards designed to conserve materials. Thus steel replaced wood in baby carriages. Individually, these changes were not spectacular, but in the mass they permitted considerable return to normal industrial practice.

tions of the production of a long list of civilian items under conditions of non-interference with war production. Manpower still being scarce, authorizations were to be made chiefly in other than tight labor areas; and the authorizations were subject to the veto of the War Manpower Commission on grounds of inadequacy of labor supply.[11] The order thus carried out the idea of "chinking in" civilian production when and where it was feasible. Of necessity, in such a scheme considerable authority had to be granted to War Production Board field offices to take action. For various reasons, the "spot" authorization system had no substantial immediate effect on production, but administrative procedures were available to permit civilian production made possible by scattered contract cancellations. It was generally expected that blanket authorizations would be required, at least for most industries, at the time of large-scale cancellations.

In general, a high degree of control in reconversion was not expected. Prevailing opinion rather anticipated a more or less planned liquidation of controls in order to permit the utilization of resources released by contract cancellation, coupled with the retention at strategic points in the industrial structure of sufficient limitation on the use of materials and manpower to prevent interference with production for the Pacific war.

Staff speculation on the manner of handling war contract cancellation and the related matter of adjustment of War Production Board controls went through a sharp change in the first nine months of 1944. At first it was assumed that military production would be reduced by small steps over a considerable period. These conditions would necessitate a good deal of attention to the choice of producers to be cancelled, with careful weighing of such factors as those quoted above from the Baruch-Hancock report. Under such conditions, the War Production Board would have to tailor its controls and allocations meticulously to authorize the use of resources released by contract cancellation without permitting diversion of resources from war production. The authorization of civilian production would have to be closely meshed with contract cancellation. The administrative prospect grew simpler, however, as it became probable that a substantial cut in war production would occur rapidly if not abruptly.

The magnitude of probable cutbacks and the enormous wartime increase in productive capacity made it possible to foresee a guns-and-butter period in which civilian production at levels approximating those of 1939 could be carried on alongside the continuing war production. It became clear that restrictions on most industries could be revoked completely once mass cutbacks occurred. It was probable that restrictions would continue to be necessary on the use of a few materials. It also came to seem probable that current controls in some areas, e.g., rubber, tin, tex-

[11] *Federal Register*, Vol. 9, pp. 9945–9947.

tiles, would have to be continued almost unaltered. Further, it became plain that, in view of the anticipated supply situation, a radical simplification of the priorities system would be in order. The War Production Board on September 5, 1944, announced general plans tending in these directions.[12]

The resumption of civilian production is closely related to price control. Inflationary pressure on prices, as well as increased costs, suggested that price control would have to be retained for some time, with sufficient flexibility to permit resumption in particular cases or classes of cases where adjustments proved necessary. No enviable future could be foreseen for officials of the Office of Price Administration who would have to provide the element of flexibility. It seemed not improbable that there would be general assent to a policy of economic stabilization, but quite probable that the heavens would resound with individual charges of inequity, dictatorship, and bureaucracy.[13]

IV

The technical problem in the settlement of claims under terminated war contracts is fundamentally one of converting the uncompleted portion of a cancelled contract into a cost-plus contract. The government has, for example, a contract with a factory for a thousand tanks. Five hundred have been delivered and paid for. The contract is cancelled. The factory has some tanks half-finished; it has parts and materials on hand for others. What does the government owe? The answer which commends itself is to pay costs incurred on the uncompleted portion of the contract plus a reasonable profit. From the standpoint of general economic policy, expeditious settlement of claims and rapid removal of government-owned machinery and materials from plants are essential to pave the way, both financially and physically, for resumption of non-military production. The financial consideration seemed most urgent in the case of small firms. Estimates of the amounts to be paid on claims ranged from two and one-half billions upwards.

Settlement of claims by individual contracting agencies made uniform policy desirable. Otherwise, different departments would settle with the same manufacturer on different bases, to the detriment of the Treasury and the confusion of the contractor. During 1943, the Procurement Policy Board of the War Production Board took the lead in interdepartmental study of settlement issues, and developed several drafts of a pro-

[12] See *New York Times*, Sept. 6, 1944. The plans of the War Production Board and related agencies were described by the Director of War Mobilization in a report to the President dated September 7 and printed in full in *New York Times*, Sept. 10, 1944.

[13] For a statement of expectations in price policy, see a letter by the Price Administrator to the editor of the *New York Times*, June 18, 1944.

posed uniform termination article for fixed-price contracts. Simultaneously, similar work was under way in the procurement agencies, with special emphasis in the War Department, which had to have rules to govern a growing volume of current settlements.[14] Late in 1943, chiefly through War Department initiative, responsibility for the development of government-wide policy on settlement was assigned by the Director of War Mobilization to a Joint Contract Termination Board attached to his office. The functions of the Board were defined by an agreement of November 12, 1943, signed by the interested agencies and approved by the Director of War Mobilization, who appointed Mr. John M. Hancock to serve as chairman of the board.[15]

The first major product of the joint board was a uniform termination article for fixed-price supply contracts promulgated by the Director of War Mobilization on January 8, 1944. Procurement agencies were directed to use this clause in new contracts and to substitute it for like clauses in outstanding contracts to the extent practicable. The clause defined the rights and duties of the contractor on receipt of a termination notice, adopted the principle that settlements should be made by negotiation, and established principles to be followed in determining amounts due as an alternative to agreed settlement. Accompanying the uniform article was a "Statement of Principles for Determination of Costs upon Termination of Government Fixed-Price Supply Contracts."[16]

By directive of May 2, 1944, the Director of War Mobilization made effective for the principal procurement agencies statements of policy by the Joint Board on "Government Organizations for Settlement of Terminated War Contracts" and "Review of Contract Termination Settlements." The first statement enunciated general principles governing organization for settlement within the procurement agencies. For most agencies it represented more a description of current practice than an instruction with discernible effect. The second statement reaffirmed the policy of encouraging negotiation of settlements, but stated that "a proper degree of control over such settlements" should "be provided for the protection of the government's interests." The departments were instructed to set up special boards for the review of proposed settlements

[14] War Department policies were reflected in successive revisions of its Procurement Regulation 15.

[15] The following agencies were represented on the Board: War, Treasury, Justice, Navy, Reconstruction Finance Corporation, War Production Board, Maritime Commission, Foreign Economic Administration, and the Smaller War Plants Corporation.

[16] The text of these documents is reproduced in Baruch and Hancock, *op. cit.*, pp. 78–90. Exceptions to and interpretations of the termination article were issued as directives of the Director of War Mobilization on February 24 and May 2, 1944 (*Federal Register*, Vol. 9, pp. 2251–2252, 5192).

in excess of $50,000.[17] A further step was taken by the promulgation on May 29 of policy on settlement of claims under subcontracts connected with government war contracts. The procuring agencies were directed to recommend to their prime contractors that the subcontract termination clause included in this policy be uniformly used in their dealings with subcontractors.[18]

Administrative action was paralleled by the development of legislation. As early as the summer of 1943, bills were introduced in Congress and inquiries begun by its committees. Congressional concern centered on several issues: the assurance of expeditious payment of claims, particularly in the case of small business; the devising of arrangements for interim financing of contractors through loans or partial payments prior to final settlement; and the determination of the rôle of the Comptroller-General in the settlement process.

After a tortuous legislative history, the Contract Settlement Act of 1944 was approved by the President on July 1.[19] The law followed in the main the lines of action recommended by the Joint Contract Termination Board and the procurement agencies, both in substantive policy and in organization. To succeed the Board, the act created an Office of Contract Settlement, to be headed by a director appointed by the President with Senate approval. In prescribing policies and standards to guide the contracting agencies, the director was to be advised by a Contract Settlement Advisory Board.[20]

The principles of settlement in the statute were similar to those already in use. A legislative void was filled by an interim financing title which directed that partial payments be made on claims to the greatest extent practicable. Thus was rejected the suggestion that the government should be obliged to pay without previous verification a specified percentage of claims as submitted. The interim financing title further authorized direct and guaranteed termination loans. Legislative solution was also attempted of the vexing problem of the removal of inventories and machines left in plants at termination. The rule was adopted that the government should be obliged, within sixty days after the submission of a satisfactory listing, to remove the inventory from the plant or arrange for storage by the contractor.

Proposals to give the General Accounting Office a rôle in contract settle-

[17] *Federal Register*, Vol. 9, p. 5193. [18] *Ibid.*, Vol. 9, pp. 6134–6136.

[19] Public Law 395, 78th Cong., 2d Sess.

[20] The Board was to be composed of the following officials or their representatives: Director of Contract Settlement, Secretary of War, Secretary of the Navy, Secretary of the Treasury, Chairman of the Maritime Commission, Administrator of Foreign Economic Administration, Chairman of the Board of the Reconstruction Finance Corporation, Chairman of the War Production Board, Chairman of the Board of the Smaller War Plants Corporation, and the Attorney-General.

ment were rejected. It was argued that if settlements were to be made by negotiation—rather than by the application of detailed accounting principles—review by the Comptroller General could be nothing other than a renegotiation of a negotiated settlement. Beyond this, the fear was expressed that the procedures of the General Accounting Office could only delay settlement and produce "unemployment by audit." Congress limited the General Accounting Office to "determining, after settlement, (1) whether the settlement payments to the war contractor were made in accordance with the settlement, and (2) whether the records transmitted to it, or other information, warrant a reasonable belief that the settlement was induced by fraud." In this instance, Congress followed the principle urged by the President's Committee on Administrative Management in 1937.

By the time the Office of Contract Settlement was set up in August, 1944, much of the groundwork to handle the prospective load of contract settlement had been done. The contracting agencies had established skeleton machinery and a working procedure for settlements; and a basic system of general principles existed, although requiring further clarification and refinement. Moreover, the contracting agencies had before them the formidable task of recruiting and training additional staff to meet the increasing volume of settlements.

Some doubt remained about the feasibility of vertical settlement under conditions of mass cancellation. Under this policy, the government would settle with the prime contractor, who would pay his subcontractors, who would pay their suppliers, and so forth. To illustrate: A contract for armored cars is cancelled by the War Department. The prime contractor cancels an order to his engine supplier, who is also delivering the same engine to other prime contractors. The engine-maker terminates his order for starters which is held by a firm making starters for other customers and perhaps also directly for other government agencies. The starter-maker cancels his contract with a producer of wire, who feeds it out of the same machine to scores of other customers, many of whom may be tied indirectly to a government contract. Under conditions of mass cancellation, so the argument ran, the allocation of overhead and direct costs of uncompleted work and inventory to the different orders and subcontracts of each producer and channeling of this information up the contractual ladder would present a problem of incredible intricacy and inevitable slowness. Concerns with thousands of orders on their books were not uncommon.

The vertical system was the only one legally permissible at the time it was established. The alternative, made permissive by the Contract Settlement Act, was the over-all company settlement plan. This meant that in appropriate cases a company would be assigned to a single procurement

agency which would settle claims under all or suitable groups of prime and sub-contracts held by the firm. Accounting problems would thus be greatly simplified, multiple inspections by different agencies could be avoided, and payment could be speeded up. Even before permissive legislation was adopted, experiments were under way to test the feasibility of the idea. But with procedures developed and staffs trained under the vertical method, it appeared unlikely that a general change could be made in the system.

V

In terms of enduring effect on the economy, the disposition of government surplus plants, machinery, and other property was probably the most significant element in reconversion. When the question arose of the sale of plants which could be used to alter completely the competitive patterns of some industries, the chips were down; the groups concerned manifested a most earnest and devoted attention to the development of public policy on surplus property. Yet the fundamental issue was apparently decided by the summer of 1944: the government was to rid itself of the property except that in some instances plants might be leased. The preparatory problem was one of determining how and when and to whom.

In February, 1944, the President established the Surplus War Property Administration in the Office of War Mobilization, in accordance with a recommendation of the Baruch-Hancock report.[21] The Administrator, with the assistance of a Surplus War Property Policy Board,[22] was given general supervision and direction over the handling and disposition of surplus war property. The administrative arrangement contemplated by the order was that owning agencies—principally the military departments—should declare property surplus to their needs and transfer it for sale or other disposition to disposal agencies, which would operate subject to policies of the Administrator. The order fixed broadly the jurisdiction of each disposal agency, but directed the Administrator to define more exactly the types of goods over which each should have jurisdiction.[23]

[21] Executive Order 9425, Feb. 19, 1944.

[22] The Board was constituted of representatives of State, Treasury, War, Navy, Justice, Reconstruction Finance Corporation, Smaller War Plants Corporation, Maritime Commission, War Production Board, Bureau of the Budget, War Food Administration, Federal Works Agency, Civil Aëronautics Board, and Foreign Economic Administration.

[23] The following language assigned responsibility among disposal agencies, subject to modification by the Administrator: "consumer goods to the Procurement Division of the Department of the Treasury; capital and producers' goods, including plants, equipment, materials, scrap and other industrial property, to a subsidiary of the Reconstruction Finance Corporation, . . . ; ships and maritime property to the United States Maritime Commission; and food to the War Food Administration; provided that surplus war property to be disposed of outside the United States,

Among actions taken by the Administrator were orders defining more sharply the jurisdiction of each disposal agency and establishing broad disposal procedures;[24] fixing policies for the sale of real estate by the Reconstruction Finance Corporation;[25] stating a price policy for the sale of machine tools;[26] and fixing a price policy on sales of termination inventories.[27] The last item concerned the sale by contractors of surplus inventories on hand at the time of contract cancellation; these sales must be approved by contracting agencies, and receipts are credited to the government on claims of the contractor. To coördinate pricing on these sales with pricing on sales of similar property directly by the government, the Joint Contract Termination Board arranged with the Surplus War Property Administrator to promulgate price policies.

Congress gave extended consideration to the surplus question, and sharp differences arose between the House and Senate. The House was disposed, in general, to accept the recommendations of the Surplus War Property Administrator, while the Senate manifested a more innovative spirit.[28] With respect to organization, the result was the substitution for the Surplus War Property Administrator of a three-member Surplus Property Board. Provisions for preferences in sales, and even outright gifts to various classes of persons, were considerably diluted in the final version. Specific preferences, however, were granted in the case of real property to former owners and more general preferences in the case of all property to veterans. The Smaller War Plants Corporation was authorized to make loans to aid purchases by small business. Stockpiling of strategic materials was treated in one section of the bill and, somewhat irrelevantly, the loan rate on cotton was raised in another.

Although there were many uncertainties about the surplus problem, its broad dimensions could be estimated. Figures of up to one hundred billions were bandied about in discussion, but they gave an exaggerated notion of what was to come. Of the supplies to be surplus, probably one-half to three-fourths in dollar value would be combat items which would not raise serious questions of interference with established trade in consumer goods. Perhaps fifteen billions worth of supplies with direct civilian uses would have to be sold. In the aggregate, the amount was not large in rela-

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unless otherwise directed by the Director of War Mobilization, shall be assigned, so far as it is deemed feasible by the Administration, to the Foreign Economic Administration."

[24] *Federal Register*, Vol. 9, pp. 5096–5099. [25] *Ibid.*, Vol. 9, pp. 9183–9185.

[26] *Ibid.*, Vol. 9, pp. 9870–9871. [27] *Ibid.*, Vol. 9, p. 7842.

[28] For House views on H.R. 5125, which passed the House August 22, 1944, see H. Rep. No. 1757, 78th Cong., 2d Sess. The bill, in a different form, passed the Senate on August 25. See S. Rep. No. 1057, 78th Cong., 2d Sess. For the conference report, see H. Rep. No. 1890, 78th Cong., 2d Sess. The Surplus Property Act (Public Law 457, 78th Cong., 2d Sess.) was approved October 3, 1944.

tion to national consumption, but in particular types of goods the surplus would undoubtedly be large in relation to short-term needs. Similarly, fifteen billions in industrial facilities looked large, but the problems of government policy assumed less formidable proportions when powder plants and others not readily usable in peacetime production were eliminated from the total.[29] However, these broad perspectives could not erase the fact that in surplus property management and disposal many exceedingly difficult problems were ahead.[30]

In surplus disposition, as in other aspects of reconversion, operations were already under way on a small scale. This gave the disposal agencies an opportunity to gain some experience in operation, to develop procedures, and to build up a skeleton organization. All this resulted in some preparation for handling the much larger volume of surplus which was yet to come. However, the scarcity of suitable personnel, as well as other factors, retarded the development of organization and created a situation which would subsequently give ample opportunity for administrative improvisation.

VI

In domestic matters, at the end of the summer of 1944 preparation to deal with the general area of industrial reconversion had been carried further than in other related fields. This differential grew partly from the fact that in the former area the executive had more power to act without additional legislation than in others, but more fundamentally from the fact that the dominant climate of opinion was uncongenial to action on the "human side" of demobilization—to use the phrase of the Baruch-Hancock report.

On February 24, 1944, the President established by executive order a Retraining and Reëmployment Administration in the Office of War Mobilization. The Administrator, with the assistance of an interdepartmental board, was to "have general supervision and direction of the activities of all government agencies relating to the retraining and reëmployment of persons discharged or released from the armed services or other war work . . . ," and was also to "develop programs for the orderly absorption into other employment" of such persons.[31] By the end of the summer, in

[29] See A. D. H. Kaplan, *The Liquidation of War Production* (New York, 1944), Chap. III.

[30] A recognition of one of these problems was involved in the creation on September 2, 1944, by the Director of War Mobilization, of a War Plants Utilization Committee. Constituted of representatives of the War Production Board, Defense Plants Corporation, Surplus War Property Administration, and War Manpower Commission, it had the duty of seeking ways and means for assuring continued utilization of government-owned plants.

[31] Executive Order 9427. The Retraining and Reëmployment Administration was given statutory status as a part of the Office of War Mobilization and Recon-

so far as public evidence showed, the Administration had not yet precipitated a substantial accretion to public policy. However, most of the important issues required legislative action, and the controlling bipartisan coalition in Congress was not disposed to make major commitments on such matters as unemployment compensation.

Congress, however, as was eminently just, gave early attention to the question of benefits for discharged servicemen. The Servicemen's Readjustment Act of 1944,[32] popularly known as the G. I. Bill of Rights, provided hospitalization rights, educational privileges, government-guaranteed loans for the purchase or construction of homes, farms, and business property, and "readjustment allowances" for veterans when unemployed during a two-year period following discharge or the termination of the war.

VII

The scope and tempo of governmental control of the economy in wartime make unusually urgent the achievement of adequate top-level administrative coördination. Many agencies of government intervene at many points in the economy, and their influences interact in either a complementary or contradictory manner. Calculated direction must seek to minimize the inevitably conflicting drives of different agencies. In a period of partial reconversion, the same conditions and requirements persist. Resumption of civilian production must be dovetailed with downward adjustments in war production. The way in which price control is handled may hamper or ease reconversion. Wage policy may contradict price policy. Timing and policy in the movement of surpluses may ease price control and expedite production, or they may not.

Since 1940, discussion of this general problem of coördination has been carried on in great volume and with great vigor, but without any impressive contribution to administrative theory. Schemes for overhead organization have been proposed on a wholesale scale; some of them have been tried. In reconversion planning, legislative committees were fertile sources of organization plans, but most of the resulting schemes varied little from the broad outlines proposed by Baruch and Hancock. These rested essentially on the idea of constructing around the existing Office of War Mobilization,[33] perhaps under another name, a group of specialized supervisory organs such as the Office of Contract Settlement and the Surplus War Property Administration. The Director of War Mobilization would use these specialized organs and other broad powers to direct the opera-

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version, but with powers somewhat less than those it possessed under the executive order. See Public Law 458, 78th Cong., 2d Sess., approved October 3, 1944, Title III.

[32] Public Law 346, 78th Cong., 2d Sess., approved June 22, 1944.

[33] The Office was established by Executive Order 9347, May 27, 1943.

tions of the administrative departments within the general area of reconversion, a very broad area indeed. These ideas found expression in the War Mobilization and Reconversion Act of 1944, approved October 3, which established an Office of War Mobilization and Reconversion.[34]

Through this grand administrative architecture, a symbolic or journalistic integration of reconversion activities could doubtless be attained. How the mechanism could be used to make a genuine difference in actual departmental operations was problematical. Many legislators hoped for a more positive and less intermittent direction than had been furnished by the Office of War Mobilization, but no convincing specifications of the means by which this was to be done were furnished.[35] However, the general trend of legislative development and discussion constituted a potentially significant phase in the evolution of the presidency. In sharp contrast with the orthodox administrative doctrine that organs of direction should occupy a staff relation to the Chief Executive, the emerging apparatus of coördination was being vested by statute with broad powers of direction essentially presidential in character, to be exercised, not in the name of, and by delegation from, the President, but in its own name by authority of Congress. Yet the President retained the crucial power of direction in federal administration, viz., the power to appoint department heads. The ultimate outcome of the development cannot be foreseen. From one point of view, the trend was one of better staffing and organization of the presidency. From another, it appeared as an encroachment upon the executive by sandwiching between the President and the departments statute-based organs of direction subject themselves to strong influences from Congress. However, the fundamental issue of constitutional structure was scarcely recognized, and the development may prove only a minor episode rather than a turning point in the evolution of executive-legislative relationships.

VIII

How was demobilization planning, as it stood in the fall of 1944, to be evaluated? It was almost entirely short-term in character, pointed toward

[34] S. 2051, providing for the creation of an Office of War Mobilization and Reconversion, passed the Senate August 11, 1944. See Senate Report No. 1035, 78th Cong., 2d Sess. On August 31, the bill passed the House, but with important amendments, including the removal from the Senate version of provisions broadening unemployment compensation coverage. See House Report No. 1798, 78th Cong., 2d Sess. For the reconciliation of those differences, see House Report No. 1902, 78th Cong., 2d Sess.

[35] In some of the bills (e.g., S. 1893), a "Bureau of Programs" was provided to aid the proposed Director of War Mobilization and Reconversion by maintaining a system of progress reports and by preparing proposed plans for action. The statutory language was somewhat reminiscent of the functions of the National Resources Planning Board, earlier abolished by Congress; but the failure of the bill was attributable to its liberal unemployment insurance provisions.

the interim between the defeat of Germany and that of Japan.[36] In fundamental philosophy, it was orthodox *laissez-faire;* on that basic issue, one's judgment would depend on the predispositions with which one approached the subject. Given the broad policy and objectives, however, the preparatory accomplishments stood up well alongside the available yardsticks. The general outlines of the problem to come had been explored and defined—a process of fundamental importance for more detailed work. Congress and the executive had taken important first steps, by statute and by order. In the administrative agencies, organization and procedure had been established and a great mass of minutiæ had received attention. It could, of course, be safely predicted that scandalous and stupid actions would occur in the process of demobilization. They always have; but in the emerging conditions the opportunities would be exceptional. Judged against ideal standards, the preparations showed many shortcomings of which none was more keenly aware than the responsible officials. Gauged against more earthy criteria, such as the state of affairs at the end of World War I, the general course of development stood out as respectable progress. All this could be correct and yet allow room for skepticism toward the belief that the policy doctrines predominant at the moment would assure high-level production when military expenditures came to be reduced to a peacetime level.

IV. EXECUTIVE-LEGISLATIVE RESPONSIBILITIES

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I

Successful reconversion is a gamble at best. Problems of contract termination, surplus disposal, fiscal policy and taxation, manpower and labor policy, change-over from wartime controls, and resumption of peacetime production are all interrelated in greater or less degree. The better these policies are integrated, both in conception and in execution, the better we can advance a consistent program for peacetime plenty. The logic of policy objectives points to the need for unified, coherent, and positive governmental action. This is just the kind of political and administrative treatment that we have failed to get in previous demobilization periods. This time we may act differently. New problems and new conditions militate against the repetition of past errors; but old attitudes and prejudices tip the balance toward the postwar behavior of Reconstruction days

[36] There was some wry speculation about the state in which the country would find itself should the basic military assumption, viz., that Germany would be first defeated, turn out to be wrong.

or of World War I. The price we paid then was high, but it can be infinitely higher under present-day conditions.

Conflict between the presidency and Congress after both the Civil War and World War I made a concerted national policy of demobilization impossible and tended even to undo the very purposes for which men had died in battle. In the first instance, while the Union was preserved, actual reunion in spirit and in common purpose was delayed by savage disagreement over Reconstruction policy. In the second instance, the means for maintaining a peaceful democratic world could not be agreed upon. Division over our own objectives then started the forces in train for the war of this generation. Political disagreement led not only to tragedy in the long run, but in more immediate terms to a governmental negativism that stood helpless before the unemployment of 1918–19 and the depression of the twenties, the unheeded harbinger of worse to come.

As this war draws to a close, decisive governmental action will be as essential for reconversion to peace as it was for war mobilization. Yet missing will be the sanctions that only war demands can impose. A positive program for demobilization means that the government may have to discharge responsibilities as intricate and weighty as those of wartime, but without the relatively high degree of national unity that war insures for public policies.

The postwar climate of opinion may be very different indeed. There will be inevitable fatigue and a hopeful search for "normalcy." It is unlikely that we shall, as after the last war, raise a tired feeling to the dignity of national policy. Inertia, however, will be a factor. More important will be the conflict of opinion concerning peacetime objectives. To win a war, all men can agree that the prime concern is destroying the enemy. Winning the peace, however, means many different things to different men. On the other hand, the concept of full employment and the war-born realization of what full production could mean in peacetime may result in a public demand that the diverse economic interests of the nation be directed toward a common goal.

For the period of demobilization, it would seem of the utmost importance to reach speedy agreement upon the broad public purposes that we want to realize. One great heritage of this war can be the full confidence that, once we are agreed upon our objectives, no nation has superior skill in bringing its aspirations into actuality. We know also from our war experience that while leadership is important, the intelligent coöperation and support of the "little man" spells the success or failure of a program. There were prophets who argued that war would bring an end to our liberties. War has necessitated drastic controls, but it has strengthened rather than weakened our democratic institutions. We have proved to ourselves that once the goal of victory is set we can organize and carry through to its

accomplishment. We have demonstrated that it is because of, rather than despite, our institutions of self-government that we have been able to mobilize and bring to bear the full weight of national strength. All this experience can be applied during a period of demobilization if we can fix upon our goal with the same clarity and singleness of purpose that has made possible the effective administration of a war program.

Even granting that we reach more general public agreement upon policy objectives than in previous periods of demobilization, any program, under our governmental system, is always vulnerable to a rivalry of direction between the President and Congress. Hence a common understanding of the meaning of the separation of powers is of great importance if demobilization is to be carried through successfully.

In this paper I shall attempt to analyze executive-legislative relations and responsibilities, and to suggest the tendencies that need deliberately to be strengthened during the immediate postwar years.

II

History shows an alternation between domination by the chief executive and by the legislative branch. During the two previous periods of demobilization following major wars, control of the government passed from the executive to the legislative branch. What if history should repeat itself? What would such a shift within our government system mean for the period ahead? Will we be better able to meet postwar problems under the conditions of a presidential system or under those of congressional government? Past experience offers highly pertinent answers to these questions.

Congressional repudiation of Woodrow Wilson provided no alternative leadership. On the international stage, our influence was statesmanship in default. Good luck rather than good management saw us through domestic reconversion. The war was brief and never involved a full quarter of our national gross product.[1] Harding not only left Congress alone but so limited his duties as chief executive that the dishonesty of members of his cabinet was probably as much a surprise to him as it was a shock to the public. Presidential incompetence did not mean that the national legislature took over the direction of public affairs. Congress was not organized for leadership then any more than it is today.[2] Congressional government under conditions of presidential default means rule by the bartering of blocs.

If demobilization after World War I demonstrates the hazards of weak-

[1] John M. Clark, "How Not to Reconvert," *Political Science Quarterly*, Vol. 59, p. 177 (June, 1944).

[2] For a critique of legislative organization in the twenties, see George Rothwell Brown, *The Leadership of Congress* (New York, 1922). For comparison, see Roland Young, *This Is Congress* (New York, 1943).

ness and indecision, the Civil War aftermath illustrates more positive dangers. The issue concerning the ultimate authority of the federal government was no sooner settled by the defeat of the Confederates than a conflict arose among the victors over whether Reconstruction was to be administered by the President or by direction of Congress. There were grave differences about substantive policy, but underlying all the complexities of debate and all the legalistic hair-splitting was the congressional conviction that Reconstruction was a legislative problem. The President was to confine himself to his executive duties; his orders were to come from the legislature; his discretion and his judgment were to be minimized.

This ran counter to Lincoln's conception of presidential government, and the battle was joined. President Johnson's lack of statesmanship acerbated the controversy. In the course of this ignominious squabble, disaffection entered the cabinet that Johnson had retained from Lincoln's time. Secretary of War Stanton ganged up with his Republican friends in Congress in an effort to usurp the President's control of military affairs. This move is pertinent here as one illustration of the extremes to which dissension went. "It may be looked upon," writes one historian of this period, "as a conspiracy of the Republican majority in Congress to rob the President of his constitutional prerogatives, to change the form of government from the presidential to the parliamentary system of administration."[3]

It is an elementary principle of administration that officials cannot properly be held accountable by separate and conflicting superiors. Yet the relations between President Johnson and Congress created such a dilemma. When the legislature and the chief executive are in disagreement over the meaning of public policy, to whom shall officials turn for guidance? In 1867, for example, the generals newly charged with the administration of the Reconstruction Acts asked Johnson for instructions about the way in which they were to carry out the provisions of the law. With the backing of all of the cabinet save Stanton, and with the legal counsel of the Attorney-General, the President responded. Congress countered by enacting its own interpretations. The President vetoed the measure. Public administration marched blindly into a *cul-de-sac*. In his veto message, Johnson protested: "I can never give my assent to be made responsible for the faithful execution of laws, and at the same time surrender that trust and the powers which accompany it to any other executive officer, high or low, or to any number of executive officers. If this executive trust vested in the President is to be taken from him and vested in a subordinate officer, the responsibility will be with Congress in clothing the subordinate with unconstitutional power and with the officer who assumes its exercise."

[3] John W. Burgess, *Reconstruction and the Constitution, 1866–1876* (New York, 1902), p. 91.

Here in a time of crisis the uncertainties implicit in our separation of powers heightened the conflict between the chief executive and the legislature. Under normal conditions, both President and Congress refrain from pushing their dissensions to such extremes as those of the "Age of Hate." Thus is tact erected to a principle of government.

Yet the unresolved difference concerning the presidential versus the congressional theory of responsibility for administrative action lies like a submerged reef. It can be avoided by well-informed and reasonable men, but it remains a potential danger. In wartime, Congress has been usually willing to recognize presidential direction; in peacetime, the government is seldom called upon to take drastic action. Even so, the independent regulatory commissions have raised perplexing and as yet unanswered questions. These commissions are called to account variously by the courts, the Congress, and the chief executive. For the most part, reasonable men have succeeded in making these arrangements work despite inherent ambiguities. In the quasi-judicial duties of the commissions, the difficulties are less; policy issues, however, cannot be met so politely.

While congressmen recognize that many functions must be turned over to administrative agencies, some legislators hope to do this without necessarily enhancing the powers of the President. This has been a persistent attitude. From the outset of this present war emergency it was clear, moreover, that unity of direction was essential. Could this be attained only through the chief executive? Reputedly, when William Knudsen, in the days of the National Defense Advisory Commission, inquired, "Who's boss?," the President replied, "I am." This answer, however, has never been entirely accepted. Beginning in 1941, there arose an insistence that what the country needed was a civilian chief of all war mobilization. But how create such a post without setting up a rival "assistant president?"

Later, the Tolan Committee came forward with a proposed Office of War Mobilization headed up by a czar for war. What would have been the relationship between this Poo-bah and the President was never adequately clarified. Of interest here was the apparent readiness of some congressmen to set up an appointive officer to whom the chief executive of a nation at war would delegate the major responsibility for total mobilization. Presumably some congressmen felt that the chances for legislative control over an office of their creation would be better than would their influence with the Chief Executive. The Contract Settlement Act of 1944 and other subsequent legislation reflect a similar line of reasoning for the handling of demobilization. Provisions that would short-circuit the full responsibility of the Chief Executive make all the more difficult a concerted approach to reconversion and peacetime problems.

III

Many of the complications in the relationship between Congress and

the executive can be traced back to conflicting theories about the proper rôles of the two branches. To certain highly influential congressmen, our central control agencies such as the Civil Service Commission, the Bureau of the Budget, or the General Accounting Office must be looked upon as arms of Congress. Others would insist that these agencies must be more clearly recognized as arms of the chief executive. Such theoretical differences can give rise to very practical difficulties. Our central staff agencies are faced with a dilemma. They are expected to serve two masters. In 1943, Congress put the Budget Bureau to work in applying manpower ceilings. Congressmen have indicated clearly to the Civil Service Commission that they regard it as performing certain legislative functions delegated by Congress. But there is a jealous watchfulness from the Hill against the exercise of much discretion by Civil Service Commission officials.

Some congressmen would prefer to see these central control agencies exercise their independent judgment in dealing with other administrative agencies. They apparently believe that these control establishments should act, not as staff aides of a responsible chief executive, but rather as checks upon the administrative discretion of officials in operating bureaus. This view carries the doctrine of checks and balances over into the administrative branch itself. For example, congressmen, while speaking of the General Accounting Office at times as a congressional agency, realize that no very effective contact with Congress can be maintained. Nevertheless, they are ready to defend the Comptroller General in his disputes with other federal agencies. Recent legislative hearings indicate that some congressmen would rather see the Budget Bureau follow a strong independent line of its own than exercise more power as a staff arm of the President. The rationale of such a position rests, I think, upon the traditional American distrust of executive power and a belief in counterbalancing the discretionary power of one group of officials with that of another. The great weakness of such a process is the disparate character of the decisions made. It permits a dangerous lack of coördination. This becomes grave, indeed, when we consider the essential interrelation that must be worked out if a general line of policy or a broad program is to be achieved.

This difference of governmental theory cannot lie dormant during the period of reconstruction ahead if Congress reasserts its "rights" and the President insists upon his. Congressional resurgence can be expected in some measure as a reaction to the war years; yet the scale of postwar problems calls for responsible executive leadership of the administrative branch. This need not constitute a cause for floundering. There is ample scope for the highest degree of congressional statesmanship. But it must not take the form of congressional direction of administration. Congress-

men can investigate whatever phases of bureaucratic behavior they choose; they can press for the redress of grievances felt by their constituencies. They should not expect officials to serve two masters; nor should they set up special agencies accountable directly to the Congress.

Experience shows clearly that effective serveillance by the national legislature is impracticable. Congress is not organized to do such a job, and even if it were, it would run head-on into the President in his distinctive rôle as administrator-in-chief. True enough, the distinction made here so categorically is much less clear-cut in actual governmental practice.

Within the federal government, the lines of administrative control and of responsibility are often pictured as running vertically from subordinate to superior up through agency channels converging in the chief executive as the top of the hierarchy. The theory of presidential responsibility, if consistently applied, would result in such a structure. We find in fact a much less coherent relationship. Many lines of control or accountability run directly from administrative agencies to Congress. This network might be described as imposing horizontal responsibility. In the day-to-day functioning of government there is a maze of crisscrossing relationships between the President, Congress, and the departments, independent commissions, public corporations, and other agencies that compose the federal establishment.

This is not the place to review the many important steps taken in recent years toward getting a higher degree of order into such relationships. Much has been done, particularly by the Budget Bureau, since the Reorganization Act of 1939. Much remains to be done. The task is a continuous one. It involves a constant effort to keep the channels of communication clear, to inform the President of emergent policies disruptive to or inconsistent with his program, and to bring officials into some reasonable alignment so that administrative duplications or contradictions can be minimized.

There are limits, however, to the maintenance of the vertical system of responsibility, both because of bureaucratic behavior and of political influences. From an administrative standpoint, there have been many developments which have greatly aggravated the problem of coördination. In addition, we find introduced into the administrative branch political struggles for power, for prestige, and for the actual possession of control over men and materials.

How far can the chief executive go in applying administrative control over operating agencies when in political terms an agency has a high degree of independence? One illustration is the Reconstruction Finance Corporation. Jesse Jones' influence is obviously based upon his close ties with important business leaders and the firm loyalties that bind together

informally members of the Texas coterie and their conservative Southern brethren. The lines of administrative responsibility cannot be traced straight up to the President as chief administrator. There is rather a maze of contacts with the world of finance and with important members of Congress. The artificiality of our theory of the separation of powers is clearly seen when contrasted with such an integration of power flowing from both administrative and legislative sources. The relationship so well typified by Jesse Jones cannot be regarded as an aberration. It is rather a clear and forceful illustration of how our system works in many instances.

Officials often find themselves free to develop and promote more or less irresponsibly proposals of far-reaching consequences. There is no assurance that policies that should be cleared at a high level will systematically come to the attention of all those concerned. On the contrary, an official may have an idea of great importance for the policy of his agency, but instead of channeling it up the administrative hierarchy, the matter may be taken directly to Congress or to outside interests with whom the official is working closely. For example, when the so-called Bankhead amendment was being considered in the spring of 1944, an official of the Office of Price Administration threw his support behind the amendment while testifying before the Senate Committee. There was nothing that Chester Bowles could do under the circumstances beyond making clear that the official's view differed from that of his agency. The freedom exercised by officials in promoting plans of their own is provocative of fighting and confusion.

Closely akin to this form of "free enterprise" in public policy is the high degree of independence exercised by certain departments and agencies within the federal establishment. Perhaps more important, though less conspicuous, is the autonomy achieved by subordinate bureaus and even divisions. In these terms, our federal bureaucracy may be envisaged much more accurately by comparison with a decaying feudal pattern of fiefs, baronies, and dukedoms than in terms of an orderly and symmetrical pyramid of authority.

Such a development is better understood if we recognize that administrative agencies also are often representative institutions. They may be created in effect to represent a special economic interest, or they may represent an *ad hoc* attempt to meet a very specific need. They may stand for a particular purpose or viewpoint. For example, the Smaller War Plants Corporation was established with the interests of small business in mind. The political motivation here is clearer than in most cases. Other agencies may take the lead in evolving policy within a special field. For example, the Office of Civilian Requirements within the War Production Board is responsible for civilian needs as against military demands. In this sense it fulfills the function of an advocate. Our experience with agencies representing consumers is also germane.

The pressure of wartime emergency accelerated another trend in administration not unlike that toward special interest agencies. The critical need for rubber led to the creation of a separate office to deal with this commodity. There has been a proliferation of such "czars." For example, we have, among others, the Petroleum Administrator for War and the Solid Fuels Administration. Organization upon a commodity basis in the War Production Board meant that groups of officials were concerned primarily with the interests of the industries producing these commodities. Wartime conditions have brought to the forefront the phenomena of claimant agencies. Here officials appear in the rôle of special pleaders for their share of limited wartime resources.

To complicate the problem of coördination, we find in Washington today a great accumulation of agencies brought into being in response to the aspirations of past Congresses and the hopes of presidents long since gone. Every election means a turn of the political kaleidoscope and a rejumbling of political elements into a different pattern. Each rearrangement of the political pattern expresses itself in many new political appointments or in statutory enactments. Both may grow outdated within a brief span, but laws are not thereby erased from the statute books nor officials removed. This great bureaucratic residue might be likened to geological strata and, like its counterpart in nature, fossils and ossified remains can be found. There is a temptation to elaborate such a metaphor by reference to missing links and monsters with great defensive powers developed at the expense of movement and intellect.

In summary, then, we note that lines of responsibility cannot be pictured as flowing evenly upward to the chief executive and from this point conveyed to Congress in a clear-cut program. And within our great departments and large agencies it is sometimes very difficult indeed to maintain effective lines of accountability to the head of the agency. Under our present system, presidential responsibility for the great mass of administration is often a fiction.

IV

It is important also to consider the factors other than administrative which the President may be forced to take into account in dealing with the executive branch. Canons of efficiency cannot be the sole determinant. Some of these other factors may be personal to the incumbent. For example, to maintain the loyalty of associates and supporters, personal friendships and an appearance of confidence are essential. If a leader wants his followers to stand by him, he must be ready to support them. Moreover, the chief executive will have characteristic ways of doing business. He may, for example, be ready to delegate responsibility to others, or he may much prefer to act directly. In other words, presidential government brings into great prominence personal characteristics of the chief executive.

We find friction between the President and Congress caused by political rivalries and personal enmities. Factional disputes within the majority party may be even more disruptive than inter-party warfare in so far as congressional-presidential relations are concerned. While there can be no ultimate "solution" that will eliminate human jealousies, centralization of control within our major parties would reduce the independence of senators or congressmen who can indulge their individualism in the national legislature so long as they reflect the local political interests back home. There is a basic incompatibility between the political world of a Senator McKellar, for example, and the attitudes toward government that the Tennessee Valley Authority engenders among the citizenry of this great river area. The politics of personal favoritism and "states rights" faces new political forces based upon technology and national purposes.

Inevitably, congressmen as the representatives of local constituencies will be impressed with a different assortment of facts than those which seem most important to the official at his desk in Washington. This difference in the focus of attention will always maintain a difference of viewpoint between legislators and administrators. The congressman tends to think of the individual who comes to him with some grievance or injustice encountered in the administration of public policy. Such perspective is needed. It is well that a citizen can take his troubles to his representative and that officials must always feel accountable for their public actions.

Citizen reaction to the application of public policy may be such as greatly to aggravate the friction between Congress and officialdom. Congressmen are well aware of the dissatisfaction that many of their constituents feel with the conduct of various segments of public business. Their own distrust of bureaucracy is increased by the tales they get from home. However, when election time comes and the voter registers his dissatisfaction at the polls, it is the elected and not the appointed official who stands or falls on the outcome. This thought seems to fill some members of Congress with a sense of impotent wrath. It certainly fortifies their determination to save their own political skin by flaying the bureaucrat. One unfortunate consequence is disproportionate attention to minor abuses and neglect of larger aspects of public policy.

A factor of new importance in the relations of the legislative and administrative branches is the dependence of congressmen upon officials in maintaining the good will of the folks back home. Congress, we know, is jealous of its law-making powers and is loath to delegate discretionary authority to administrative agencies. This general attitude is well recognized; but less familiar is the very specific effect such delegation may have upon the individual congressman. For example, a member of Congress recently let an administrative agency know that despite the adjournment of Congress and the summer heat he dared not go home until freezone was

granted an influential constituent of his, the owner of a large department store. In another recent instance, the outcome of a primary election was determined by the success a congressman had in getting a favorable ruling from a regulatory agency.

In other words, the local prestige and status of a congressman in maintaining his office may be tied up with the action taken by appointive officials. And the congressman may bluster and threaten, but inescapably he remains the petitioner and the agency the grantor. Officials concerned solely with discharging their duties to the best of their abilities and in the public interest cannot avoid the political potentialities inherent in their administrative discretion. And some of our lawmakers do not relish their dependence upon some of our rule-makers when the latter have the power to give or withhold that which constituents tell their representatives they must have. Localism is tenacious and hinders our need to deal with issues that far transcend state or national boundaries. In their aggregate effect, "politics"—on the one hand in the sense of localism, personal favoritism, and partisanship, and on the other in terms of bureaucratic resistance, narrow agency loyalties, and the influence of special interests—makes the central coördination and control of administrative activity very difficult indeed.

Congressmen fear that the bureaucracy will get out of hand. Many legislators would prefer to maintain a specific and limited influence over the officials who affect their constituency or their sectional interests, instead of a broader but more remote system of over-all administrative responsibility and control. Officials are subjected to pressure; officials exert pressure. But there is no single higher pressure that brings cohesion and direction to the struggles of either bureaucrats or politicians. Thus resistances to presidential responsibility are found both operating within the administrative branch and joining with political forces on the outside.

Rather than assume a "natural" trend toward the enhancement of presidential power as the product of inherent forces within our political system, we must recognize the opposite tendency as the one to guard against. We need to counteract centrifugal rather than centralizing trends. The forces supporting coördination are hardly equal to meeting the pressures of bureaucrats and politicians to go their various ways. The oft-expressed fear of centralization of power is a serious misinterpretation of our basic governmental problem. The confusion of wartime administration cannot be explained away as due simply to emergency conditions or to "red tape" or "that man in the White House." It is rather the extreme expression of persistent tendencies inherent within our governmental system. And the heavier the burden of work we impose upon the administrative branch, the greater the necessity for strengthening presidential control over the administrative establishment.

It is true that we have vested vast powers in the federal government. It is also true that this seems almost to be an "inevitable" trend. But we seem to forget that the federal government, to do what is expected of it, needs more than the statutory assignment of responsibility or legal power. Power, if it is to be effective, must be organized, and organized power must be held strictly accountable. We have massed power in the federal government, but we have not followed through by centering authority and responsibility for its administration.

The pressures for a do-something government are continuing. The needs of demobilization add their weight to this movement. One danger lies in the present confusion about the way in which our government can best be used to accomplish our purposes.

There is a marked tendency for men suspicious of public action to support congressional government. In the past, it has meant a less coherent course of policy. It has been more amenable to control by minority interests and pressure groups. This need not be the case. Basically, congressional government has more in common with cabinet government than with a presidential system. After all, British ministers simply constitute a super-steering committee of the Commons. Our system might conceivably evolve in this direction, but at the price of turning the chief executive into a *roi-fainéant* comparable to the president of the French Republic. Much more likely in the long run is an increase of presidential power.

If we staff our congressional committees with experts and place strong and effective procedural controls in the hands of a few legislators with the determination that Congress shall develop a distinct and independent congressional program of national policy, we must not ignore for a minute the repercussions that this will have upon administrative policy and presidential leadership. A governmental system divided against itself will fall. To urge an increase of congressional power at the expense of presidential control may actually encourage a reaction against trends that cannot be denied but may be guided. Whatever we do in our effort toward bettering relations between the two branches must be based, not only upon the kind of government we prefer in this country, but also upon a type well suited to dealing with other nations. Our international position demands strong and flexible statesmanship on behalf of this nation in negotiating with one-party states or powerfully centralized governments abroad. I think a presidential system is best suited to the conditions that may be anticipated in the postwar world.

V

We live in an age of crisis. War is the bitterest expression of forces that were present before the war, that caused the outbreak of hostilities, and that will continue afterwards. War settles the ascendancy of nations and

the power of leaders, but it does not provide constructive answers for the deeper questions posed by nationalism and economic rivalries in an interdependent world. We fought the Revolutionary War to determine whether we were to develop as a nation or as a colonial people. We fought the Civil War to decide whether our constitution had erected an indissoluble Union or a Confederation of States. We have fought two World Wars because of our increasing recognition of the inescapably positive part our government has in world affairs. We face today another basic question concerning the nature of our government and its capacity for carrying heavier burdens. This is an issue that will color much of our political debate in the years to come, but hardly in sanguinary hues.

It seems clear that the tasks of demobilization call for the maintenance of sufficiently strong lines of vertical responsibility within our federal administration to insure coherent executive direction. A period of demobilization carries as part of postwar reaction a tendency to disunity, a revulsion away from the central purposes of wartime. These psychological elements join with the persistent political tendencies toward localism or particularism found in Congress and the administrative branch in aggravating the centrifugal forces in our government. While the powers of the federal government are massive, the means of coördinating and directing the execution of public policy need strengthening. This is better achieved through insistence upon presidential responsibility for administration than through congressional surveillance of officials. Using some federal agencies to counterbalance the power of others does not make for efficiency or promote accountability.

It is only by conscious and continuous effort that coördination can be imposed. Congress is the appropriate institution for representing the varied interests of the nation and for compromising differences so that broader purposes can be established through legislation. When congressmen take an active part in the superintendence of administrative agencies, they tend to bring into this branch of the government values and standards that are more appropriate to representation than to administration. Successful demobilization calls first for the reconciling of differences, a legislative function; once the policy goals are authorized, the executive function takes over.

It is the duty of presidential leadership to coördinate the administration of public policy. It would be unwise for Congress to impose separate and multiple horizontal controls over our federal establishment. We cannot drive ahead toward postwar goals without clear administrative responsibility. On this point our wartime experience can be put to constructive peacetime use. The memory of congressional cross-purposes after the Civil War and World War I holds a warning for the postwar days ahead.

V. WAR ORGANIZATION OF THE FEDERAL GOVERNMENT

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I

The war organization of the government of the United States reached its full maturity by the end of 1943. The Great Divide was marked by the last creation of coördinating agencies both in Washington and in the tight production areas throughout the land and the first establishment of demobilization agencies. There were many signs of the new orientation. By the middle of 1944, the Veterans Administration was assigned important new responsibilities; a Surplus War Property Administration was created; contract termination began to move on a larger scale; the Office of Rubber Director was abolished; the War Production Board and the War Manpower Commission were talking about the elimination of most of their controls as soon as Germany collapsed; the Director of War Mobilization issued a broad program for coördinated demobilization and reconversion; and the spirit of the Combined Boards was bivouacking in the Dumbarton Oaks.

While there may be further organizational adjustments before both Germany and Japan are brought to their knees, these changes will find their origin in the desire to build bridges to peace, and in political and personal considerations, rather than in any administrative necessities arising from the conduct of the war. Standing thus close to the high point of our war organization development, we may note the major outlines of what has happened, even though broader perspectives will be required to gather and fit together all the pieces and draw off the lessons of our experience.

II

Before reviewing the developing war structure of the United States, we need to have before us a clear picture of the scope of the problem of war organization. In its narrowest sense—and a limited definition is surely desirable in a discussion of this character—the function of war organization is to bring into action and to coördinate the maximum resources which a nation can muster to end the military threat to its people and destroy the military power of its enemies. It will be observed that this is an old-fashioned definition of war, ignoring both the long-range international economic and political problems which are dominant between wars, and likewise the problems of domestic economic and social policy which are usually thought to be a part of postwar reconstruction rather than a part of war itself. Dangerous as it is to overlook these fundamental continuous elements of war and peace, they are omitted here because

they have played little if any rôle in the war organization of the United States for World War II, and because their necessary relation to military warfare has not as yet been accepted widely enough to constitute an element of knowledge or expectation which enters effectively into the matrix of war organization.

On this basis, the resources which a nation can muster for war include the following:

1. The armed services, on land and sea and in the air, and their equipment;

2. The allies or the neutrals a nation can bring to its aid, not only in a military way, but also as sources of material, transport, and other shortage items;

3. Its manpower, a resource which can be channeled to points of need, and can be greatly developed by training, by discipline, by health measures, and especially by the development of its determination, by strengthening its morale;

4. Its natural resources, including metals, chemicals, components, and the like; farm and forest products, especially food; fuel, especially petroleum; including, of course, for all these items stockpiles and inventories;

5. Its facilities, such as factories, transportation (rail, highway, air, and sea), power, communications, cities and housing;

6. Its science, research, and technology, not only their state of development and extent of dissemination, but also their canalization for use; and

7. Its organization, including its political and economic institutions, especially the structure of government, of industry, and of public and private finance; the wage system, prices, distribution mechanisms, and public and private credit.

Though these chief resources of military power may well be grouped in other ways to bring out various factors, the brief tabulation here presented will serve its purpose if it affords a general conspectus of the major elements of fighting power which are involved in the problem of war organization. It is the function of war organization to lay hold of these resources and to develop each to the point of maximum value in a balanced program of military operations—that is, to coördinate them for victory.

In this process, two extraordinarily important aspects of war operation must command the attention of administrators: (1) the necessity for vigorous action and therefore for the instruments of performance, and (2) the necessity for continuous coördination and therefore for the instruments of correlation.

III

There are four distinct periods in the development of the war organization of the United States in World War II. They may be identified as follows:

1. *Early Planning Period*, from 1938 or 1939 to December, 1940. It is difficult to set the beginning date of this period, because individuals like the President, Secretary of the Treasury Henry Morgenthau, and Acting Secretary of War Louis Johnson were concerned with war organization long before Germany turned westward into the Low Countries. However, 1940 was an election year, and the President was under constraint not to appear eager for war. He was busy "keeping us out of war," but at the same time he found it necessary to start systematic "defense" planning, and thus to initiate the organizations which grew into the war machinery.

The first such organizational move came in May, 1940, when the President activated the Office for Emergency Management, provision for which had been made in the Executive Office of the President under Reorganization Plan I, in accordance with the recommendations of the President's Committee on Administrative Management.[1] From a legal standpoint, almost the entire civilian war organization has been set up within the framework of the OEM. As part of the same move, though a few days later, the President called into being the Council of National Defense, established by act of Congress in 1916, virtually as a committee of the cabinet. This again was a formal step, as the Council appears never to have met apart from the cabinet; its sole purpose was to create the National Defense Advisory Commission, approve rules of procedure, and appoint a number of special committees or individuals to work with the Advisory Commission, all of which was done without a formal meeting of the Council.

It is a mistake to think of the NDAC, which was thus established, as the first "war organization" of the federal government, as a *commission* with group responsibility, though certain duties were conferred upon it as a whole by executive order or congressional act before the end of the year. Both in origin and in essence, each of the seven members provided by law was an individual adviser to the President. For this reason, the Commission had no chairman, unless it was the President, with whom the Commission met regularly, and each member did his own work and made his own recommendations individually.

The area covered by the members in the aggregate was extremely broad. This was clear from their assignments as spelled out by the President: Industrial Production, William S. Knudsen; Industrial Materials,

[1] A number of general mobilization plans were drawn up early in this period, but are not discussed here as they have had little or no effect upon the course of events. These are the M-Day Plan of the Army-Navy Munitions Board, third revision, 1939; the Report of the War Resources Board, 1939; and the Brookings Plan, 1939. All of these plans assumed that a comprehensive organization would be established from the first with extensive congressional authorization, though certain parts of the structure would be filled in as a war developed.

Edward R. Stettinius, Jr.; Employment (including labor relations, labor requirements, employment standards, labor supply and training), Sidney Hillman; Farm Products, Chester C. Davis; Transportation, Ralph Budd; Price Stabilization, Leon Henderson; Consumer Protection (including economic questions, adequacy of consumer goods, cost of living, and welfare questions), Harriet Elliott.

Subsequently, a Priorities Board, with Donald M. Nelson as its administrator, was associated with the NDAC, as were a Coördinator for Health, Welfare, and Related Defense Activities, and the Defense Housing Coördinator, Charles F. Palmer. As staff aids, the Commission developed an Information Division under Robert W. Horton, a Research and Statistics Division under Stacy May, a State and Local Coöperation Division under Frank Bane, and a Tax Certification Section.

During this same period, a number of other steps important to war organization were taken. The Selective Service System was created on the adoption by Congress of the Selective Service Act. The Office of Export Control was created directly under the President, though export licenses were issued through the State Department. The Treasury established control over foreign aircraft orders, Nelson Rockefeller set up what became the Office of the Coördinator of Inter-American Affairs, and the Defense Communications Board was established. The Reconstruction Finance Corporation was brought into action and set up the Rubber Reserve Corporation, the Metals Reserve Corporation, the Defense Plant Corporation, and the Defense Supplies Corporation. In the manpower field, the Training Within Industry Program was initiated. The National Defense Research Council also came into being.

2. *Early Operations Period*, from December, 1940, to December, 1941. This period began with the creation of the Priorities Board under Nelson, and the rising tide of dissatisfaction with the structure of the NDAC. The latter's various "advisory" commissioners were pressing into operations in every direction, and the lack of any central direction or control proved the source of much confusion and criticism.

Early in 1941, this situation was brought to a head by the creation of the Office of Production Management under the joint direction of Knudsen and Hillman. As compared with the NDAC, the Office of Production Management was cut down to production and priorities, but it was no longer purely a planning agency. Prices and economic protection of civilians went to a new organization, Henderson's Office of Price Administration and Civilian Supply; state and local coöperation went to the Office of Civilian Defense under Mayor LaGuardia; foreign economic operations went to the Economic Defense Board under Vice President Wallace and Milo Perkins; basic information came under the Coördinator of Information, William J. Donovan, and then Archibald MacLeish (Office of Facts

and Figures); Vannevar Bush constructed the Office of Scientific Research and Development; and the direction of health work went to the Office of Defense Health and Welfare Services in the Federal Security Agency. The Office of Lend-Lease Administration under Stettinius appeared during the summer, although the act, perhaps the most spectacular development of this war, went into operation some time earlier.

The need for coördination became evident as the importance of priorities grew and certain of these new units collided; in September, the President created the Supply Priorities and Allocations Board under the chairmanship of Vice President Wallace. At the same time, civilian supply was moved to the Office of Production Managment. Henderson continued to direct it, but he devoted his main energies to the Office of Price Administration. This was the situation at the end of November, 1941.

3. *War Production Period*, from December, 1941, to November, 1942. Then came Pearl Harbor, the declaration of war on Japan, Germany, and Italy, the full legal recognition that the United States was at war, and the full support of public opinion for vigorous measures of action, control, and coördination.[2]

The first principal stroke was the abandonment of both coördination by voluntary board action and production management through a two-headed office, and the establishment of one man, Donald Nelson, as the dictator of war production, though his post was euphemistically known as "Chairman of the War Production Board." During this stage of the war, the shortages were material, facilities, and components, and in each of the three fields the WPB was supreme. Through its management of these resources, it coördinated if it did not direct all of the American economy.

Early in 1942, both the War Department and the Navy Department were extensively reorganized and put in order for the war. The Combined Boards were established to develop coördination with the United Kingdom, and the Joint Chiefs of Staff became an organized entity designed to knit the United States military establishments more closely together. The Office of Censorship was created, and many boards and committees dropped "defense" from their names, changing the word to "war."

The War Shipping Administration emerged as the operating agency for ships, to take its place beside Joseph B. Eastman's Office of Defense Transportation, which early in the period assumed a similar rôle for railroads, trucks, and highways. Paul V. McNutt became the manpower coördinator at the head of the War Manpower Commission, and endeavored to work out the over-all availability of manpower for military and civilian assignments and to restrict the flow of men from certain critical employments.

During this period, war production rose from $1,765,000,000 per month

[2] The First War Powers Act (55 Stat. 838) was enacted on December 18, 1941, the Second War Powers Act (56 Stat. 176), on March 27, 1942.

to $5,000,000,000 per month, one of the most astonishing feats in industrial history. At the same time, certain of the programs failed to meet expectations, and new operating agencies were created to give them a boost. This was true especially of rubber (Office of the Rubber Director), petroleum (Petroleum Administration for War), and food, although the new machinery in this last field did not emerge until a little later, first loosely in the Department of Agriculture and then in the War Food Administration.

4. *Economic Coördination Period*, from November, 1942, to November, 1943. This is the last period of developing war organization. By its end, our structure reached its ultimate pattern for World War II.

Coördination was the central problem arising in this fourth period. In the production field, this brought on the final phase of firm control over materials in the Controlled Materials Plan and the general scheduling of tight production items. In wages and prices also, coördination became imperative; and an answer was found by creating the Office of Economic Stabilization directly in the White House itself. Later, as the whole economy continued to tighten, the interrelations of manpower, production, military programs, and the specialized needs for rubber, petroleum, coal, transport and agriculture, both in materials and men, together with the growing number of strikes, pressed for further coördinating adjustments and directives. This task and the duty of keeping Congress informed were turned over to James F. Byrnes as Director of War Mobilization. Byrnes forthwith became the President's general supervisor of the war effort except for its direct military and international political aspects; and because of the breadth of his assignment, he was immediately dubbed "Assistant President."

The aggravation of the manpower situation in certain sections led the WPB and the WMC to build a series of joint Area Production Urgency Committees to encourage the movement of labor to high-urgency plants and to keep it away from the others. While the more complete control was not introduced on a nation-wide basis until July, 1944, the foundation was laid in selected areas in the preceding year.

A significant reorganization was effected in foreign economic operations, partly as a cure for the chaos in this field which arose in North Africa in the wake of the military triumphs, and partly to end the jurisdictional struggles caused by overlapping functions. In the process, the Foreign Economic Administration was created; the Office of Lend-Lease Administration, the Board of Economic Warfare, the Office of Foreign Economic Coördination, and the Office of Foreign Relief and Rehabilitation Operations went out of existence; and a reorganization of the State Department itself was made necessary.

This, then, in bare outline, is the story of developing war organization in

the United States over the past five years. Is it a mere coincidence that the cycles run in periods of eleven or twelve months? The early planning period passed into early "defense" operations a year before Pearl Harbor. With the declaration of war came a year of terrific drive for war production, which ultimately reached six billion dollars a month, while armies were being fashioned and equipped on land and sea and in the air. After about eleven months, every resource of the nation was pushed to the limit achieved in this war, and a final stage of interrelationships emerged when manpower, wages, prices, production, transport, petroleum, steel, rubber, power, and components each impinged upon the other, demanding complete coördination in accordance with the grand strategy of the war. This ended the step-by-step development of action and of coördinating *war agencies*. Without in any way slackening the momentum achieved, the first steps toward reconversion appeared.

IV

While it is too soon to foresee what historical stages may be involved in reconversion, it is not too early to recognize the initial steps, if for no other purpose than to separate them from the war developments proper.

Reconversion planning received its first great public impetus with the release by the Office of War Mobilization of the Baruch-Hancock report in February, 1944, though it is true that the National Resources Planning Board was responsible for a preliminary but comprehensive demobilization plan issued in December, 1942, and elaborated the following June; and Donald Nelson had prepared a careful statement of WPB reconversion steps early in 1944, which he made public in March in a letter to Senator Maloney. However, Congress was extremely dilatory. To start the ball rolling, the President set up the Surplus War Property Administration and the Retraining and Reëmployment Administration. Congress did strengthen the authority of the Veterans Administration by the so-called G.I. Bill of Rights, and created the Office of Contract Settlement as well. In September, it finally reached agreement on the War Mobilization and Reconversion Administration. It also adopted a number of policy directives to guide that administration.

Shortly before, the Office of the Rubber Director was abolished by the President, and the war's most spectacular organizational "czardom" came to an end. In the middle of September, the President instructed Budget Director Harold D. Smith to work out specific plans for demobilizing the war agencies.

From an administrative standpoint, the first determined moves toward reconversion on the economic front were Nelson's four epochal orders of July and August, 1944, even though they made only the smallest imme-

diate practical difference. Their significance from a policy standpoint was so clearly recognized that Nelson's quiet and stubborn insistence on having the orders go out precipitated most serious internal organizational and coördinative tensions. However, the resulting explosion produced no structural changes, and, if anything, strengthened the authority of the WPB to determine how and when to wind up the barbed wire within which industry has been confined by restrictive orders. These first steps toward reconversion were thrust into the period of economic coördination, not because they were called for by the war, but because it was clear that maximum mobilization had already been achieved and that postwar adjustments could not be postponed indefinitely and improvised after Germany's fall.

V

Even so superficial a review of the evolution of our war organization and the beginning of its transition to peace reveals a number of salient facts. The following deserve special notice here:

1. The United States went into this war through the back door. We were not only hoping not to be drawn in, but our political leaders were endeavoring not even to seem to be preparing for war. As a result, there were no adequate legal authorizations for war controls or war organization. The President therefore initiated the early planning steps in accordance with provisions already on the books, the National Defense Act of 1916 and Reorganization Plan I of 1939.

2. When the war actually became unavoidable in December, 1941, our war organization took on power and was built up piece by piece through executive orders on the foundations already laid in the planning period, around the men who were then at work and with the maximum utilization of peacetime governmental agencies. Naturally this did not result in the setting up of a neat and comprehensive scheme covering all anticipated war activities with *ad hoc* war machinery along the lines of the plans which had been perfected in 1939 under the leadership of the Army-Navy Munitions Board.

3. From that point on, elasticity and adaptation to meet changing needs was the rule. If an arrangement worked, it was left alone; if it was too slow, or got into trouble, it was reorganized or placed under new controls; if a new need developed, a new agency was set up.

4. A comparison of the war organization achieved in the United States in World War II with the list of national war resources presented above shows that every single resource was touched in one way or another. However, some resources were split while others were grouped, and some were combined with parts of others—on the basis not of logic but of the apparent need of the moment.

5. Throughout the war, two great needs emerged: the need for *action agencies* to get certain specific limited jobs done, like selective service, rubber, ships, petroleum, and prices; and simultaneously the need for *coördinating agencies* (like the Supply Priorities and Allocations Board, the Office of Economic Stabilization, and the Office of War Mobilization) to keep the action agencies from getting in each other's way. It is to be noted, however, that each action agency is at the same time a coördinating agency within the framework of its own functions, at times coördinating related governmental activities and at others private activities like railroads, ships, mines, and factories.

6. The timing of the creation of action agencies was dictated by events. When the railroads were expected to fail, the Office of Defense Transportation was set up; when the synthetic rubber program was thought to be in the doldrums, the Rubber Director was enthroned; when gasoline was rationed and the East Coast was shivering for lack of fuel, the fuel and petroleum administrations were decided upon; when the State Department failed to woo Latin America with orchids, the Office of the Coördinator of Inter-American Affairs was established; and when the diplomats were slow to enter into the economic operations of defense and war, the Board of Economic Warfare came into being, acquiring also certain powers over another slow-moving body, the Reconstruction Finance Corporation.

The same applies to the timing of the creation of the coördinating agencies. The chief agencies of this sort were set up after the action agencies had encountered difficulties, though some planning groups grew into coördinating agencies with authority over other activities before a serious need for coördinative action had become evident. This was true of the WPB, and to a lesser degree of the War Manpower Commission. The WPB from the first had all the power required to meet any conceivable production problem up to the spring of 1944 when the final pinch in manpower developed. At that time, the WMC had the machinery to balance off the various needs, subject to the over-all coördination imposed by the Office of War Mobilization. It is worth noting that both the Office of Economic Stabilization and the Office of War Mobilization relied for their approach to war agency correlation more on the solution of complaints and the settlement of controversies than on the development of positive programs. They also developed the "directive" into what is almost a new tool of coördination.

7. The evolution of coördinating agencies proceeded upstairs, step by step—that is, from narrow jurisdictions to successively wider jurisdictions, and from the far end of Pennsylvania Avenue right into the White House itself. This step-up development seems to have stemmed from two factors: first, the gradual integration of the whole economy as we proceeded from extensive unemployment to the highest level of production

per man ever achieved in any economy; and second, the increasing pressure on the President to reduce the number of individuals reporting directly to him and the number of problems coming to him for resolution in undistilled form.

In this process, the lower steps of coördination were usually—but not always—retained, so that the final result was a system of layers. Before the end there were many first-step coördinators like the Office of the Coördinator of Inter-American Affairs and the National Housing Agency; some regional coördinators like the Area Production Urgency Committees, the Committee for Congested Production Areas, the Facilities Committee, and the Plant Site Board; a few highly important second-step coördinators like the Joint Chiefs of Staff, the WPB, the WMC, the Office of Economic Stabilization, the Office of War Information, and the Foreign Economic Administration, some of which had more or less important operating functions as well; one "over-all" coördinating agency, the Office of War Mobilization, though "over-all" is a misnomer; and finally the presidency, which alone brings together the threads of the military services, the Joint Chiefs of Staff, the OWM, and the State Department.

8. Through all these steps, coördination is effected by individual men in whom authority has been placed to act or to issue directives of one form or another. In no case is a coördinating function assigned to a board or committee on the basis of votes cast. None the less, at virtually every point of coördination some form of inter-agency advisory board is provided. In fact, the number of overlapping memberships for men like the chairman of the WPB, the Price Administrator, or the chairman of the War Manpower Commission are far beyond the point of diminishing returns. Thus, while no man has to wait for his interlocking advisory boards to act, or is constrained to abide by their votes, he has a thorough knowledge of the main interrelated problems and of the attitudes of his colleagues toward his course of action if he is physically able to keep up with the boards provided. In harmony with this general system of keeping all responsibility single, there was no war cabinet, and nothing remotely resembling it.

9. The need for coördination with the British side brought about the creation of the Combined Boards to deal with raw materials, food, shipping, and production, as well as military operations. Each board was composed of the active authoritative administrator of each government in the respective special field, so that upon reaching a joint decision the two administrators could part, and each perform his side of the agreed program. While this administrative theory has been adversely affected by the width of the ocean and at times by the personnel assigned to the boards and to their staffs, the device is none the less a major institutional invention, deserving the most careful scrutiny by students of administration.

10. It has been noted that the advance plans for war mobilization were

not used in any extensive way in the developments which ensued. It should be added that these plans were seriously deficient in that they failed to recognize that manpower allocation and control in total war is all-important; that maximum production involves scheduling and other controls far beyond the use of priorities; and that the Roosevelt Administration was determined to continue its social, regional, and international programs as long as those programs fitted into the direct war effort as a method of increasing the national potential. On their social and political side, the prewar mobilization plans were at least non-New Deal; on their administrative side, they tended to strip the presidency of operational-coördinative powers; and at the same time they looked toward mechanisms for dealing with the problems which arose in 1914–18 rather than in 1940–45.

However, every problem envisioned by the prewar planners has been dealt with in this war in some way except for finance coördination. In this area, all plans agreed that a War Finance Administration would be needed, designed to direct and control all fiscal, taxation, monetary, and credit policies in close coördination with price and wage controls. It was the expectation of the mobilization planners that without such an administration the government would face insuperable difficulties. The failure to move in this direction and the fortunate escape (thus far at least) from the predictions of the experts deserve separate analysis.

11. Throughout the whole war period, and in every agency, there was extreme difficulty in developing stable and effective working relationhips between planning, programming, and operations. In spurts, brilliant work was done by the planners; but it was resented by the operators, and was at times too far removed from operations to yield returns. Many operations undertaken without sufficiently broad plans or programs led to bad results, and many operators sought to go their own way and to evade accountability, reporting, and coördination as an unjustified interference with their own responsibilities. There was also a tendency for planners to slide over into programming, for programmers to slide over into operations, and for coördinators to slide into impotence or interference, thus giving the operators justification for their desire to be let alone.

12. The auxiliary and managerial agencies certainly proved their worth. The Civil Service Commission made its procedures more flexible and rendered highly useful services under difficult circumstances. The Bureau of the Budget made an extraordinary contribution not only in orderly budgeting, but also in management and organization. The influence of the Director of the Budget was also of great importance in determining the method of approach to priorities, manpower control, foreign economic operations and fiscal policy. Though the Comptroller-General cracked down on a number of loose practices, there is no evidence that he has at any point slowed up the war effort.

13. The rôle of organized groups of citizens in the war organizations deserves extended comment, though a mere mention of the question is all that is appropriate at this point. The trade associations, the National Association of Manufacturers, the United States Chamber of Commerce, and their paid secretaries, were carefully excluded as such from participating in governmental responsibilities, though many influential members became important executives in the military services and in the various war agencies or served on the more than a thousand industry advisory committees set up, especially by the WPB and OPA. The one striking exception was in the petroleum industry, where the government sponsored and used a national Petroleum Industry War Council, the chairman of which was the secretary of the Petroleum Institute, and a series of operating regional committees including the operators of each area. Like organized business in general, organized agriculture was excluded, but certain of its officers were appointed to advisory boards and committees.

Organized labor, however, not only was drawn into many advisory boards and committees, but was asked to furnish two vice-chairmen for staff assignments in the WPB and to fill many other staff and advisory posts in the WPB, OPA, WMC, and the Smaller War Plants Corporation. All these selections, while made by governmental agencies, were in fact organized labor's "own choosing," not from panels, but as the result of conference. Yet, because of the advisory nature of the functions assigned in most cases, labor never felt that it was "on the inside," and often claimed that it was "being given the run around."

Organizations of governmental officials or professionals, like the Council of State Governments, the Mayors' Conference, the American Council on Education, the National Education Association, the American Council of Learned Societies, the National Association of Housing Officials, and the American Public Welfare Association—to mention only a few—played important parts, especially in planning certain activities and in some of the early action programs, but in the last analysis the entire control of these activities was retained by the government. The same is true with reference to welfare and charitable groups, with the exception of the American Red Cross, which is a quasi-governmental body. The organized scientists, though under a similar congressional charter, were not asked to take charge of the Office of Scientific Research and Development, set up in OEM and reporting directly to the President. Thus, except for the special status of labor, organized citizen groups *as such* were given no responsible governmental assignments as integral parts of the war organization.

An important aspect of citizen participation in the war work of the government is found in the volunteer local boards of the Selective Service System and of the OPA, which between them have 263,000 of the 292,000 men and women who are at work for the government without pay.

14. Men, and their personalities and temperaments, profoundly in-

fluenced the developing structure of war organization. The personnel problem is another story and will not be treated here. However, two things should be observed. First, the public as well as the actors were seldom able to distinguish between rising and falling men on the one hand and rising and falling functions on the other, so that many a man appeared to be sent to oblivion when in fact the work he was set to do was eclipsed in the evolution of the war. Second, few notable successes were achieved on the higher policy levels of civilian war administration except by men long in the sphere of public service or directly subordinated to such men. The outstanding exceptions are the cases of Donald Nelson and Chester Bowles.

15. Finally, it should be mentioned that elections and politics, although they had their influence especially on timing, did not play any decisive rôle in the evolution or our war organization. If the 1940 election had come a year earlier, we should probably have moved faster after the war started in September, 1939; but the type of development would probably have been much the same. In a number of cases the President moved in with an executive order as a substitute for, or in anticipation of, congressional action. Rubber and the Surplus War Property Administration are examples. But in most cases the pressure of circumstances, not politics, determined the time and nature of organizational changes.

In two fields, the action of Congress was decisive. In that of price controls, Congress not only drove out Henderson and the professors as administrators, but also refused to furnish support for essential elements of the President's subsidy program. On the tax front, Congress likewise refused to accept the anti-inflation program of the Treasury. Except for the OPA, the only other war agencies created by Congress are the Selective Service System and the Smaller War Plants Corporation. This Corporation, though it came much too late, was designed to, and did, help small plants to get part of the war business both by pressure on the procurement agencies and by credits and technical assistance. Besides declaring war, the only formal war policy decisions of Congress were thus on military service, price controls, and defense of small business. However, the influence of Congress was felt in many other ways, particularly through the investigative activities of the Truman Committee.

VI

Those who examine the wartime record of governmental and business organization will find it easy to criticize the story here unfolded. There are, however, three factors which they should keep in mind: *First*, they should note that the policy of waiting for a demonstrated need before erecting an organization lessens the amount of needless structure, though it does not produce a neat and systematic end product. *Second*, they should

recognize that the best-laid plans on the books were quite inadequate as measured by events and quite impossible in the face of political realities. *Third*, they should see by now that "it worked"—that the war organization of the United States, such as it was, produced a mobilization of total national power and a welding together of world military operations beyond the highest dreams of 1939 or 1940 or the greatest fears of Hitler. Those of us who write recipes should taste this pudding!

VI. THE FUTURE ORGANIZATIONAL PATTERN OF THE EXECUTIVE BRANCH

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I

Our society will emerge from the war with a vast commitment—high-level employment. This aim does not spell a new direction. The last dozen years of American politics indicate that in the context of our society campaigns are fought more over tempo than direction, with additional doctrinal overtones of controversy about the distance ultimately to be traveled. It is a mood favorable to the reconciliation of the values of liberty and organization. Postwar tasks, however, will be assumed under the command of a stupendous expectation. It is tempered by some defeatism about an inevitable depression, but even this defeatism usually takes for granted the necessity of corrective, if not the possibility of preventive, measures.

The task soon to be taken up with such a commitment and such an expectation will be in essence the resumption of the attempt to devise and to administer a complex strategy of incentives. This attempt was the central theme of prewar thinking. The strategy was seen as striking at a limited number of points of crucial governmental influence in a preponderantly private system. The essence of the resumed program will lie less in the novelty of its separate elements than in the unison and energy that may animate them in the coming years.

Quite apart from the dislocations and distortions added by the expansion and contraction of war, the task ahead is of the utmost difficulty. We are caught between our disillusionments about unregulated private enterprise on the one hand and awareness of the hazards of centralized decision on the other. Below the clichés of campaigns and the defensive misrepresentation of particular groups, the resulting distrust is something to be reckoned with. It is shared by thoughtful labor leaders who have participated in wartime controls. Our society is caught in the tenuous balance of an economy wherein we mix the dynamics of private and public invest-

ment and activity. The strains in such an admixture are lessened by an acclimatization of opinion. It would be fatuous, of course, to underestimate the surviving bitterness. But the war has shifted the standards about what society with the aid of government can do.

As has been said, the governmental program is conceived mainly as a strategy of incentives—positive, not punitive. The economy is continuous but refractory; it is sensitive in all of its parts, but it does not respond evenly. Action must take account both of interdependence and of diversity. Action, while it remains multiple, must above all change coherently. On top of the inherent difficulties of a mixed system, the immediate postwar period may present the complication of continuing shortages and risk of price inflation at some points, while unemployment appears at other places in the economy. This is a gigantic challenge to the administrative system. One may begin by asking what the war has brought or taught, apart from the demonstration that under certain conditions our society is already capable of a national income of 150 billions.

II

Actually, the basic administrative pattern of the government as it stood on the eve of war was changed relatively little despite the mass and complexity of wartime operations. New activities poured down channels already determined by the constitutional system; the channels were widened and many side courses opened, but in the main the scheme was not changed.

Four sets of factors limited the amount of institutional change during the war. First, the inherent nature of presidential government conditions both legislative relations and administrative outlines. In its essence, moreover, it is not ill-suited to emergency. Second, the President in office had served for some time and the arrangements had become adapted to his methods of work. There was less adjustment during the war than might have come from an equally vigorous president installed in 1940. Third, especially important was the fact that during the eight years prior to the beginning of defense preparations on a large scale, the politics of the country had been in ferment and the administration had been expanding at what amounted to crisis tempo, but in the face of problems that were seen in long-run perspective. Fourth, it was also important that on the eve of war there had been a period of acutely conscious attention to administrative problems and considerable retooling which culminated in the reorganizations under the legislation of 1939. It is true that the Reorganization Act limited the scope of possible integration by excluding the semi-independent commissions; its declaration that no new "departments" might be created was less binding. The reorganization harvested some of the cumulative prescriptions drawn from the experience and agita-

tion of many years. Especially did the changes of 1939–40 and the institutional developments that followed seek to carry through the logic of presidential government in relation to administration. The application was not complete, but mechanisms of a very specific nature were introduced. The conduct of the war profited by these developments while it quickened their use. As a result of the administrative innovations before 1941, there was less opportunity than might otherwise have been the case for the appearance of strictly novel institutions at the center of the federal government.

The testing strain of war, however, has sharpened the awareness of continuing administrative deficiencies. These must be faced as we resume, soberly but with what may well be renewed confidence, the task before us between 1937 and the outbreak of the war, together with the additional burdens of the war's aftermath.

First, there remains the unsolved problem of top coördination, and of the multiplicative flow to and from the presidency. This condition has been met only in part by the remarkable development of the Bureau of the Budget, while the rest of the Executive Office remains amorphous and undeveloped, and means are lacking to harmonize policy in major fields.

Second, interlocked with this is a nearly inert cabinet which in composition is neither compact nor comprehensive, while its methods are unsuited either for deliberation or for the adjustment of details.

Third, there are many problems of departmental assemblage, some of long standing, some coming from the war, some arising from the developing commitments of the peace.

Fourth, there is the problem of achieving the utmost of a practical decentralization in the face of the centralization of approach required in dealing with economic forces that are nation-wide or world-wide. Involved herein is a new need for coherence of fiscal policy with which must be reconciled both local autonomy and the spirit of functional union that cuts across all levels of government.

Fifth, there is the problem of conducting administration in the context of legislative counsel and criticism on the one hand, and consultation with interested groups on the other. Expecially there is the question of demarcation in legislative activities which will permit an organic relationship to administration without the kinds of detailed intervention that would cripple the flexibility or distort the integrity of administration.

Needless to say, the developments invited by these problems can here be considered on the scale of the next few years only.

III

In connection with the multiple character of war organization, one notes that prewar plans for unity were rejected for reasons that were at

least understandable. First, the industrial mobilization schemes drawn under military auspices had assumed an almost immediate shift from peace to war. Actually, we entered this war by degrees, through a corridor of economic aid and defense preparation. There was not the setting for a drastic mobilization of resources under centralized auspices. Second, when pressed to devolve his authority upon one man, presumably an industrialist, a president sensitive to the diversity of the country had some reason to view the demand as an invitation that he abdicate. As the war went on, and as reconversion was approached, something of the original design for handling the economic resources of the country was being realized.

In the early stages of the war, the Office for Emergency Management provided a fiction, but a fiction only, of unified supervision and of relief to the President. The OEM, it may be recalled, was not mentioned until the executive order of September 8, 1939 (No. 8248), which capped its specific references to various other elements in the Executive Office of the President with the vague promise that "in the event of a national emergency, or threat of emergency, such office for emergency management as the President shall determine" would be created. An administrative order of May 25, 1940, referring back to the earlier statement, said that "in pursuance of the foregoing order" the Office for Emergency Management was created, "to be under one of the executive assistants" of the President. The make-up of the OEM was first set forth in an administrative order of January 7, 1941.

The OEM provided a sort of legal peg—being itself a part of the action taken under the Reorganization Act—on which unit after unit could be hung. Such a legal peg was hardly necessary under the conditions of broad legislation based on the war power, nor would the peg have carried much constitutional weight. But at least the OEM and the units placed within it could be treated as an extension of congressional approval. More important was the fact that the establishment of such a catch-all as the OEM conveyed a picture of concerted attention below the level of the presidency. Gesture though it largely remained, the mere existence of the OEM was significant as a response to the charge of headlessness in administration and to the need to resolve administrative relationships somewhere short of the President himself. In actual practice, of course, the OEM did not provide a subsidiary focus.

The enriched Bureau of the Budget has been the substance of the Executive Office of the President. Its rising institutional significance is reflected in its growth. The Bureau has become a highly complex, continuously active staff for over-all management. As the National Resources Planning Board and the Office of Government Reports were dropped from the Executive Office, the relative importance of the Bureau as the embodiment of the presidency in administration increased.

The Bureau's enlarged scale and more constructive functions have brought problems of internal structure. When the Bureau was largely occupied with estimates, the staff assignments were generally to agencies or groups of agencies. Since 1939, there have been five divisions: Estimates, Administrative Management, Fiscal, Legislative Reference, and Statistical Standards. But it is not easy to hold the divisions apart. Personnel from the various divisions tend to assemble in working parties. These may involve the assignment of staff members to handle all phases of certain subjects which ramify through the whole government, or at least are found in many departments.

Looking to the future of the Bureau of the Budget, a mixture of the several elements of organization seems inevitable, with emphasis heavily upon action through combined working parties assigned to groups of agencies or functions, while the still vigorous divisions serve in a staff capacity. The working parties must frequently include persons from management planning in the operating departments. Such fusion is wholesome; it has limits, of course. Survey by triangulation is often valuable; independence has its uses. Fundamentally, however, the Bureau has been a decentralizing force in the development of administrative planning organs throughout the government.

Such organs have become a commonplace. They have luxuriated in the quick, rank growth of the heavily procedural war agencies. The reactions have not all been favorable; in places there is cynicism. But the net gains seem substantial; the survival of administrative planning is assured. And there is every reason to believe that some of the best results in the future will be accomplished by agency groups which will link the agency's own administrative planning, budget, and personnel services, and will also include staff members from the Bureau of the Budget.

The exercise of continuing controls fortifies the type of planning rôle that the Bureau has modestly essayed and will doubtless avow. It is linked to the emphasis upon fiscal policy as the meeting ground of long-range planning and the year-by-year conduct of government. The Fiscal Division of the Bureau of the Budget is the nucleus of a planning staff. Its influence as a planning organ is strengthened by its proximity to operations and its participation in the appropriating process. It can grow in the protection of fiscal routines.

These advantages, among others, it holds over the type of organ illustrated in the National Resources Planning Board. Even with the further development of the sort of planning exemplified by the Fiscal Division, however, it remains to be seen whether long-range studies which describe desirable objectives can be conducted in the absence of something like the former National Resources Planning Board—in addition to the facilities of the Budget Bureau on the one hand and the research facilities of per-

manent operating agencies or of temporary commissions of inquiry on the other hand.

During the war the internal administration of the expanding Bureau of the Budget was handicapped by the extent to which its highest officials were personally engrossed in contacts and negotiations of an extremely pressing and delicate nature. The Bureau's institutional rôle, moreover, was partly undercut, expecially in the middle stages of the war, by the activities of various presidential advisers and of associates such as the Director of War Mobilization.

IV

The presidential staff is not yet sufficiently crystallized. Allowance is made for the fact that the situation will always be personal and will vary from president to president, and even from month to month. Yet there seems need for further staff definition as a basis for continuous program coördination.

Possible developments in the President's staff are several, differing in emphasis. It is clear that much program coördination is taken on by the Bureau of the Budget and its director. So far as the other aides to the President are given fixed assignments, will the categories be processes, like legislative contacts, or will they be broad subject-matter fields? The further problem is whether subject-matter aides developed around the President should be staff assistants only or should become in effect the heads of superdepartmental domains, known as such by the public and exercising supervisory and directive powers in their own right. The latter possibility, especially, affects the future of the cabinet and of the departmental system.

One of the most interesting developments in war administration was the appearance of officials who, under statute or by executive order, had directive powers within broad fields. There were hints of this in the jurisdiction given to the heads of the War Production Board and the War Manpower Commission. Even more in point were some later developments in the war organization. The idea of coördinating power injected above the level of operating agencies appeared specifically in the executive order of October 3, 1942 (No. 9250), which, pursuant to the "anti-inflation act" approved on the preceding day, created the Office of Economic Stabilization under a director.

The principle embodied in this order was carried further in the creation by executive order of May 27, 1943 (No. 9342) of the Office of War Mobilization, under the roof of which the Office of Economic Stabilization was put without essential change of its powers. The Director of War Mobilization was "to unify the activities of the federal agencies and departments engaged in or concerned with production, procurement, distribution, or

transportation of military or civilian supplies, materials, or products, and to resolve or determine controversies between such agencies or departments, except those to be resolved by the Director of Economic Stabilization. . . ." To this end, the Director of War Mobilization was empowered "to issue such directives on policy or operations to the federal agencies and departments as may be necessary to carry out the programs developed, the policies established, and the decisions made under this order. It shall be the duty of all such agencies and departments to execute these directives, and to make to the Office of War Mobilization such progress reports as may be required."

Still more significant was the application of analogous ideas of superintendency in the reconversion legislation signed October 3, 1944 (78th Cong., 2d Sess., Public 458, S. 2051). Within this statutory "office" are placed three agencies chiefly concerned with demobilization—the Office of Contract Settlement, the Surplus War Property Administration, and the Retraining and Reëmployment Administration. These, in the words of the law, "shall exercise their functions subject to the general supervision of the director." The director's supervisory rôle is not confined to the three units. For purposes of general coördination, he is empowered to "formulate . . . plans" and to "issue such orders and regulations to executive agencies as may be necessary to provide for the exercise of their powers in a manner consistent with the plans formulated under this section or to coördinate the activities of executive agencies with respect to the problems arising out of the transition from war to peace."

The statute declares that "each executive agency shall carry out the orders and regulations of the director expeditiously and, to the extent necessary to carry out such orders and regulations, shall modify its operations and procedures and issue regulations with respect thereto." It is assumed that the various agencies will be encouraged to develop appropriate plans. The director is authorized to "settle controversies between executive agencies in the development and administration of such plans." In summary, the director is the head of what amounts to a compound super-department of three branches. In addition, he is commissioned as a sort of functional foreman through the whole range of national administration, and as such is empowered from the standpoint of his objective to exercise "general supervision and direction of the activities of all existing executive agencies (except the Veterans Administration. . . .)" It is doubtful whether the act is adequate or the final effort of Congress to deal with reconversion. But at least the quoted clauses are sufficiently indicative of a trend to serve as the basis for speculation about a possible major development in the administrative pattern.

It is not pretended that the foregoing instances are models. It is evident that they contain several elements: the rôle of personal adviser to

the President; the rôle of adjuster within a very broad field, extending indeed to the whole of national administration where it impinges upon a given set of activities and relationships; and the rôle of supervisor of a particular complex of agencies. There are momentous differences between them. What has been spoken of as one development is not necessarily one thing, although the combination of elements may prove to be of especial value. Careful discrimination will be needed in both future evaluation and application.

The outlines of possible future uses are apparent in the mere statement of the problems of top coördination and the wartime instances just mentioned. One can envisage a new type of department overseer, assigned to a broad domain of policy, equipped with a compact staff, and exercising his influence partly as high adviser and partly as negotiator, and also as the source of coördinating suggestions, directives, and decisions.

Experience thus far has hardly been conclusive. Admittedly there are serious objections. Apart from certain disillusionments attached to Mr. Byrnes' methods and results, it can be argued that the responsibility of department heads should be as solid as possible and should not be vitiated by arrangements that permit appeals to be taken above them. It can be argued that no one should stand between the heads of operating departments and the opportunity for direct contact with the President. In this connection it can be said that the span of control must be seen in terms of a third dimension—the number of contacts necessary; and that, with a sufficient degree of departmental amalgamation in the future, the need for coördination can be filled by department heads with definite powers at the one end and a flexible presidential staff at the other.

But desirable as is the utmost amalgamation possible, it is hard to see how the needs can be met without taking account of widely ramified relationships which seem to lie beyond the reach of the departmental system as we have known it. Even departmental groupage may require a looser arrangement; and there are some problems that call for direction through the whole range of administration. It is too early to set down what the domains of super-departmental or over-all functional guidance may be after the war. Our foreign affairs necessitate a concept broader than even an enlarged Department of State can supply, and the Secretary of State is one likely point of major focus. Fiscal policy, including the timing of the varied developments that are involved in a moving strategy of economic stimulation and balance, offers a further theme.

Certainly the government cannot pursue its flexible, essentially accommodating rôle in a mixed economy without attending to the still unsettled problem of coördination at the center. The affairs that crowd the presidency cannot be allowed to remain atomized or congested in a mass. And the arrangements that improve coördination may strengthen the utility of the cabinet.

V

Of the cabinet in the war, little has been revealed. Its rôle has doubtless been typical. The cabinet has long since ceased to be inclusive of the major controls of the government; much of this, of course, stems from the tendency to vest economic direction in semi-independent commissions. During war, the regular cabinet has been even less inclusive. President Roosevelt did not emulate Wilson's war cabinet of three regular members and six defense commissars which met alternately to the ordinary cabinet. In the present war, however, besides the Federal Security Administrator (who was also Manpower chief), the Federal Works Administrator, and the head of the National Housing Agency, the directors of War Mobilization and Economic Stabilization and some heads of defense establishments like the War Production Board have sometimes attended cabinet sessions.

The cabinet has not been important in peace or war as an instrument of counsel on policy or of concert in administration. Cabinets in the United States remain what presidents make them. President Roosevelt could be relied on to make even unplanned sessions interesting. But the full vitality of a realized institutional rôle has been lacking. Some members of the cabinet, apparently, have thought certain matters too confidential to take there. As for the ironing out of details, the President is said to have learned that cabinet meetings are embarrassing and ineffective arenas for the handling of disputes between two or more agencies.

Improvement of the cabinet may be projected in two directions. Procedurally, the developing presidential secretariat might prepare agenda and otherwise service carefully planned meetings. In membership, the cabinet might well become both smaller and larger, being in effect a double body. On the one hand, an inner and active cabinet might consist especially of the chief policy coördinators whose possible rise has been discussed earlier. On the other hand, the cabinet as a whole might be expanded to embrace the heads of all of the great operating departments. The number of these might increase to a score, for few believe that departments of this sort can be held to the dozen recommended in 1937.

The rôle of frequent meetings and discussion would belong mainly to the inner, closely knit group concerned with major domains of policy. The meetings of the whole group would be relatively infrequent, but always prepared very deliberately around a suitable focus. Especially might such meetings be important as a means of communicating fresh impulses and a sense of direction in times of developing or shifting policies. Meanwhile the larger group would act fractionally in the sense that collations of its members would serve as committees on matters of particular interest to various departments. Some of the most persistent and active of such assemblages might head up in members of the inner cabinet. Considerable interlocking of secretariats might be useful in servicing the system as a whole.

VI

This leads to the assignment of operating responsibilities among departments, existing or to be created. No amount of coördination, however strengthened by new facilities around the presidency and the cabinet, can offset the need for the sort of cohesion that is secured by organic operating combinations. The departmental allocation needs fresh and continuous scrutiny and readjustment. Even before the lapse—six months after the emergency—of the reorganizing power given to the President by the first War Powers Act, there should be a renewal of a flexible provision, for which the Reorganization Act of 1939 might stand as a model. It should be remembered that the recombinations under the wartime act dissolve with the act itself. Meanwhile the Bureau of the Budget has begun to give new emphasis to a fundamental canvass of possible departmental developments and adjustments. The choice of solutions among conflicting considerations must wait on close and realistic inquiry.

In each period, distinctive forces, after manifesting themselves sporadically, appear as movements for new departmental aggregations. The years after World War I were marked by several main efforts. One concerned the unification of the defense departments. Its motivation then rested in considerable measure on the desire to recognize air power by securing it equality in a tripartite department. Another pressure concerned public works. Its support came notably from the engineering societies; the motivation for administrative unity revolved largely around the techniques involved. Still another movement concerned fuller recognition of the national government's rising stake in welfare.

Defense unification was turned down in 1924; the other two movements were largely realized in changes that followed the Reorganization Act of 1939. At the present time, fiscal policy as a positive and flexible instrument in relation to production and employment seems outstanding as a motivating theme in reorganization. Paradoxically, this very emphasis seems likely to render obsolete as entities both the Federal Loan Agency and the Federal Works Agency, to the advantage of more functional combinations.

The internal organization and relations of the fields of labor and social security are receiving active scrutiny. Labor's stake in a department of that name, apart from other considerations, probably precludes a general amalgamation of the two elements. The same factor of group alignment complicates the assemblage of labor relations machinery unless a new type of subject-matter coördination is invented. There seem to be conclusive reasons for keeping the Employment Service close to unemployment insurance. Possibly both should be shifted to the Labor Department, while the other forms of social insurance—including their extension to health—remain in a strengthened security agency.

This leads to the future of public works; and over this question, as over

organization for loans and for housing, hang mighty issues of positive employment strategy and tactics. Engineering as engineering loses its place as a focus. Granted effective coördination through all parts of the government—and unless this can be achieved the future is indeed dubious—activities such as housing may well be functionalized, perpetuating the National Housing Agency. The case for a department concerned with "urban development" is attractive but less convincing than the claim of the maturing housing complex, to which future aid in urban land acquisition may be assimilated.

This does not mean that the idea of an entity like Public Works will disappear. Rather, joined with parts of the former Loan Agency and new corporate instrumentalities, a large, loosely joined "department of development" may be envisaged. Herein would be based planning, financial aid, coördination, and some construction facilities for various multi-purpose activities, like river-basin development, rural electrification, and a significant miscellany of regionalized or local projects undertaken under long-run, flexible plans geared currently to a calculated fiscal policy. Nor would a "department of development" preclude the extension of the idea so brilliantly demonstrated by the Tennessee Valley Authority in its wartime expansion. But, as other regional projects begin to impinge on each other and at the same time bulk largely enough to be significant factors in the flow of national capital investment, some coördinating overlay seems necessary.

The possibility of gathering transportation aids and controls in a flexible departmental frame raises questions about the future of the Department of Commerce. This suggestion involves the complication of the vaguely traditionalized vocational affiliation which Commerce shares with the Departments of Labor and Agriculture. Such affiliation reacts upon the content that can be given to these departments, especially in regulatory action. The future of the semi-independent commissions in relation to the departmental hierarchy is tied up with this matter. But the disposition of the commissions hinges mainly on another set of considerations. How far the connection of the commissions with the departmental system may seem desirable is likely to depend largely upon the degree to which our society will desire to conduct economic regulation as something more than deliberately insulated bits of compulsory arbitration applied to points of especial strain among conflicting groups. Certainly, if a more deliberately interlocked policy should gain support, we shall have to devise forms of departmental structure which will encompass the hitherto autonomous organs of economic adjustment.

The case for amalgamation of the defense departments has recently been fortified by the practice of amphibious warfare, the success of unified theatre command, and the institutional developments around the joint

and combined chiefs of staff. Amalgamation is challenged, of course, by such factors as the Navy's focus of attention in fleets at sea and the question whether the Navy could have achieved its high morale and standards in a unified department. But the case for union grows stronger. The future involvements of strategy and logistics, if nothing else, seem to dictate at least the survival of strong organization around the joint chiefs of staff and preferably a further degree of unity.

On the international side, there is little doubt that the interests of the Department of State must be enriched. Such growth includes not only economic but also informational activities in the broadest sense. Administratively, the issues largely concern the extent to which operations are to be absorbed into the Department itself. This turns in part on the political question of the future magnitude of government's direct participation in international economic matters. If the government's rôle is incessant and heavy, beset by managerial details, a number of activities are likely to survive indefinitely outside the Department of State, subject to its general direction. Certainly, whatever the arrangement, it is the task of the Department of State to learn how to run ahead of events, to fix the frame of action, to lead positively and not by eking out piecemeal approval for items proposed by other agencies.

The foregoing fragmentary review has hardly begun to raise the conflicting desiderata that beset all questions of organization. To think of them at all is to summon the sense of relativity that is at the heart of what are called principles of public administration. The problems themselves require patient descriptive inquiry to precede decisive action.

VII

Through all this the need for decentralization is ever more insistent. The field structures of national agencies raise far-reaching problems in the quest for flexibility and local accommodation. Especially baffling is the question of the degree of geographical decentralization possible in dealing with economic matters. The experience of agencies like the War Production Board and the Office of Price Administration have reminded us of the limits of such decentralization while revealing some of its possibilities. A government which approaches economic matters in the setting of a competitive economy must be sufficiently centralized to respect the non-geographical categories of commodities and industries. But it has been possible, within frameworks of policy directives, to vest field offices with more than duties of informational or of enforcement character; a limited but important range of interstitial decisions has been devolved.

Suggestive, too, as both encouragement and warning, has been the wartime development of field areas. It has long been apparent how stubbornly and with what strong reasons each activity tends to engender its own geo-

graphical pattern. It has also been evident that common areas, and particularly common headquarters cities, would help greatly in the harmonizing of related activities, especially if there could be a generous and substantially uniform degree of decentralization of discretion among the several agencies. Results during the war were halting and spotty. But enough was done by the main war agencies to suggest that it may be possible to standardize regional supervisory centers for a wide range of activities, while their operating areas vary with their distinctive needs. The aim must be coördination, not economy.

In federal relations with states and localities, it is evident that coöperation along the pattern of functional union will remain the tendency of the social service state as well as in policing activities. But the familiar, highly segmented scheme of national-state—and more recently national-city—collaboration is confronted with a dual need. Already the mass of federal aid has grown to a point that renders necessary its reorientation in financial rather than merely administrative terms, including the invention of conditions and of formulae of allocation which are suited to the purposes of equalization. Beyond this, the objective of high-level employment in the face of economic fluctuations seems to require that state-local fiscal policy shall be rationally related to the national policy. Here lies an emergent problem of the first magnitude.

INTERNATIONAL AFFAIRS

WEIGHTING OF VOTES IN AN INTERNATIONAL ASSEMBLY

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All the plans for future world organization, whether they envisage a world government or are limited to providing agencies for better collaboration between the peoples of the world, are built around two main conceptions—a small council and a larger assembly. But the different plans disagree widely upon the powers and the make-up of these bodies. The purpose of the present article is to analyze the difficulties relating to the structure of the larger body, the assembly, and to outline a tentative method for surmounting them.[1]

The structure of the different international organizations existing in the past was based on two principles: equality of representation and unanimity. That meant, first of all, that in the assemblies of nations the United States of America (population, 131 million) and Luxemburg (population, 300 thousand) had the right of equal representation. For instance, in the Conferences of the International Labor Organization, both countries have been equally entitled to appoint four delegates. Secondly, when an international assembly has tried to arrive at a decision, not only the largest but also the smallest country could block such a decision by casting a negative vote. While sometimes a little country has been forcibly persuaded to abandon its opposition, in many instances small countries have been able to frustrate the efforts of international assemblies and conferences otherwise unanimous.

International lawyers point with pride to the few cases in which the unanimity rule has been abandoned or circumvented. In a few other cases—mostly involving international commodity arrangements—the votes of different countries have been weighted by their respective production and the decisions made by majority of votes thus weighted.[2]

On the other hand, whenever the question of paying the expenses of an international organization is raised, the different champions of state equality show much less, if any, insistence on equality of contributions. The larger the expenses, the greater the insistence that they be graduated

[1] For an excellent discussion of the different proposals relating to the powers to be conferred upon an international assembly, see H. Wehberg, "Die Organisation der Staatengemeinschaft nach dem Kriege; Das Problem der wahren Repräsentation der Völker," in *Die Friedenswarte* (Zürich, 1944), Vol. 44, pp. 49–74.

[2] See C. A. Riches, *Majority Rule in International Organization* (Baltimore, 1940), pp. 245–290.

according to the size and economic power of the countries. Though the Latin American Republics are eager to fight for equality of state representation at international conferences of American Republics, they did not hesitate to adopt a scale based on population for paying the expenses of the Pan American Union; while everybody has an equal vote, the United States is paying more than half of the expenses of that Union.

This situation has led to suggestions that voting power in an international assembly be based on financial contributions to the budget of the international organization, and this is the practice of the International Institute of Agriculture and of the International Office of Public Health.[3] If the amount of each country's contribution were determined by that country alone, this suggestion would place an emphasis upon wealth and might enlarge the gulf of envy between the poor and the rich countries. If the contributions were determined on some objective basis, the suggestion would be tantamount to saying that both the contributions and the voting should be determined upon the same objective basis. The creation of such a link between representation and taxation is desirable, as some countries will be more hesitant to clamor for additional votes if they know that they will have to pay for them. On the other hand, yearly contributions might have to be adjusted to such unforeseeable occurrences as floods, droughts, or earthquakes, while it seems improper to curtail a country's voting power on any of these grounds. Therefore, it would be safer to separate the questions of voting and contributions, although parallel lines of approach might be developed to cope with the two.

If one attempts to devise a generally acceptable system of vote-weighting, the first obstacle to surmount will be the insistence in some quarters upon the employment of a single factor for the sake of simplicity. The differences between the countries of the world are so great that any isolated factor would create a false picture, both by concentrating the voting power in a few hands in a way inconsistent with the existing distribution of power in the world, and by creating in many cases invidious distinctions between countries, entirely unwarranted by the rôle they respectively play in world affairs. If we try to weight the voting by population, we discover that such weighting would give to just two countries—China and India—over one-third of the total vote, and Nepal would have a vote twice as large as Norway and three times larger than Uruguay. If we accept production as our criterion, over half of the votes will go to the United States and the Soviet Union. On the other hand, weighting of votes by the volume of international trade of a country will give the greatest number of votes to Great Britain, the Soviet Union having less than one-tenth of the vote assigned to that state.

It might be easier to arrive at a more adjusted system if all three ele-

[3] *Ibid.*, pp. 250–252.

ments mentioned—population, production, and trade—were taken into account. But then arises the question of how these elements, so different in character, can be compared. One thing seems certain, namely, that in a democratic world the value attached to the human factor should exceed the value given to other factors. On the other hand, the contributions of different countries to the world's production and trade are in a way a measure of present achievements of the nations which live in these countries, and thus help to translate crude population figures into figures of that population's activity and diligence. It might be sufficient, therefore, to ascribe to the population factor a value equal to that of the other two factors combined. If equal value is then given to the factors of population and trade, the value of the population factor will be twice that of production or trade taken separately.

We might start by assigning to the countries having the highest production or trade ten units of voting power, while giving to the countries with smallest production or trade one unit. By doubling the allotment for the population factor, we might assign to the country with largest population twenty units of voting power, while that with smallest population will have two units. Thus the country falling in all top categories might obtain forty units, while the smallest one would have at least four units. While actual discrepancies between countries are often hundred-fold rather than ten-fold, it must be remembered that the proposed system is supposed to take the place of a system in which all the countries were accustomed to equal representation. The smaller countries will not be willing to accept a system in which their votes will be a hundred times smaller than those of the big powers; but they might accept a system in which the scale is much less discriminatory.

The next question is, How assign the countries to different voting classes within each category. As the differences between countries have to be toned down to take account of their susceptibilities, it might be necessary to adopt the system of geometric progression rather than one of equal distribution. If the latter system were adopted, China with 450 million inhabitants would rate twenty on the population scale, while Great Britain, with 48 millions, would be entitled only to two voting units. On a geometric progression scale, China would retain twenty voting units, but Great Britain would obtain fourteen units instead of two.

If the principle of geometric progression is adopted, the scales shown in the table at the top of the next page might serve as the basis for allotting units of voting power. The highest unit in each group has been adjusted in such a way as to cover the country or countries which are most outstanding in each group. In the population group, China (450) and India (382) provide the yardstick, as no country's population exceeds 512 millions. In the production group, the United States (45,500) and the Soviet Union (29,000)

are the top ranking countries. In the trade group, the lead belongs to Great Britain (7,390) and the United States (6,300).

POPULATION		PRODUCTION		TRADE	
Millions of inhabitants	Voting units	Value in millions of dollars	Voting units	Value in millions of dollars	Voting units
under 1	2	under 100	1	under 20	1
1 and over	4	100 and over	2	20 and over	2
2 " "	6	200 " "	3	40 " "	3
4 " "	8	400 " "	4	80 " "	4
8 " "	10	800 " "	5	160 " "	5
16 " "	12	1600 " "	6	320 " "	6
32 " "	14	3200 " "	7	640 " "	7
64 " "	16	6400 " "	8	1280 " "	8
128 " "	18	12800 " "	9	2560 " "	9
256 " "	20	25600 " "	10	5120 " "	10

The categories proposed are based upon pre-war statistics and might need to be readjusted when new statistics are available. But adequate statistics might not be available for quite a long time, and, if there is a strong desire to establish an international assembly, the pre-war statistics will have to serve as the basis, at least temporarily. In any case, the pre-war statistics provide us with an adequate starting point for discussing the technical questions involved in the problem of weighting votes. The applicable principles will remain the same, even if some categories will have to be changed from time to time. Thus, if the value of some countries' production reaches over 51 billions, the voting power of ten units will have to be ascribed to this new category, and each of the other categories will move one point down the line, losing one voting unit each, while the two lowest categories will have to be combined into one category ("under 200").

Once the principle of using temporarily the pre-war statistics is accepted, the next problem is to assemble the necessary data. The population figures best suited for comparison are the yearly estimates of the League of Nations' Economic, Financial, and Transit Department. The latest general estimate available is that for December, 1939, and it might be taken as the basis for assigning the countries of the world to the different classes of voting power.[4] With respect to production and trade, the year 1937 may be taken for a basis, as the world's production and trade were in that year higher than in any other year since the Great Depression. The alternative would be to resort to data for 1929, the year of the highest economic activity in the period between the two wars. Significant changes have occurred, however, since then in the economy of a number of coun-

[4] League of Nations, *Statistical Year-Book, 1941/1942*, pp. 12–22.

tries, notably of the Soviet Union and of some Latin American and Asiatic countries, and the economic picture of the pre-war world was in consequence quite different from that of 1929.

Once the basic year is determined, the question arises: How compare the different data of production and trade available for the different countries. The criterion of the weight of the different commodities used in most statistics will have to be rejected, as one cannot allot the same importance to a ton of wheat and a ton of steel. By substituting for it, however, the criterion of value, we might achieve a better comparability of the different data. With respect to trade, such data might be obtained from the League of Nations publications relating to the world's trade.[5] No general and uniform value estimates are, however, available with respect to the production of the different countries. In this case, it will be necessary to follow the tortuous way of estimating the production of each country by multiplying the quantity of each commodity produced by a particular country in 1937 by a representative world price of that commodity in that year. By adding the totals for each country, we shall obtain a fair estimate of that country's production of agricultural and other primary products. The totals thus obtained might differ slightly from the totals of national production available for some countries, as the latter are usually based on national rather than world prices. The statistics collected by the International Institute of Agriculture and by the economic staff of the League of Nations indicate both the quantities produced by the different countries and the principal world prices.[6] No such data are available, however, in the field of manufacture. Most of the industrial statistics are misleading, as they refer only to the final value of the product, thus including both the value of the raw materials used and the value added to the raw materials during the process of manufacturing. Only the latter value can be considered as the net value of the industrial production, but it can be directly ascertained just in a few countries. In consequence, it is necessary to resort to a rather indirect method of estimating the value of industrial production of individual countries. The method adopted might follow the one which serves as the basis of the League of Nations world index of industrial production. A careful study made by the League with respect to industrial production in the years from 1925 to 1929 enabled it to ascertain the distribution of industrial production among the twenty-four countries responsible for about 90 per cent of the world's industrial

[5] League of Nations, *Review of World Trade, 1937 and 1938.* See also League of Nations, *International Trade Statistics, 1937 and 1938; idem, The Network of World Trade* (1942).

[6] *International Year-Book of Agricultural Statistics, 1937 and 1938; League of Nations, Statistical Year-Book, 1937/1938 to 1941/1942; idem, Raw Materials and Foodstuffs, 1935 and 1938.*

output.[7] By following the League's method, the remaining 10 per cent may be distributed among other countries more or less equitably. When this is done, the 1925–29 percentages may be translated into 1937 percentages by means of the national indices of industrial production adjusted yearly by the League according to a uniform system assuring their comparability.[8] We shall find, for instance, that the United States was responsible in the 1925–29 period for 41 per cent of the world's net industrial output, but that in 1937 its net output represented only about 29 per cent of the world's total. On the other hand, the Soviet Union's share increased during the same period from 5 to 20 per cent of the world's output, and was mostly responsible for the 20 per cent increase in the general index of industrial production. By using the available figures of the value added by industrial production in the United States (over 25 billions)[9] as a basis for estimating the world's total, the percentage estimates of other countries can be translated into value estimates.

With the help of the here outlined method, two tables have been constructed (see below), one for independent countries and one for countries now in a state of dependency. Both tables contain data relating to population, production, and trade of the different countries of the world. The data for production are based upon statistics for ninety commodities (foodstuffs, minerals, and fuels), to which data relating to industrial production obtained by the indirect method have been added. With respect to population and trade, the tables follow quite closely the statistical summaries of the League of Nations, with small additions here and there.

Table A summarizes the data for all countries which before the war enjoyed a large measure of independence. Besides the countries the complete independence of which is generally recognized, the table includes all British Dominions which were separate members of the League of Nations, as well as Newfoundland and Southern Rhodesia, which are on the verge of achieving a similar degree of self-government. Iceland, Korea, the Philippines, and Syria and Lebanon are the other countries which were included in the list, due to steps taken during the war to endow them with complete independence.

The inclusion of Estonia, Lithuania, and Latvia might seem unjustified in some quarters, and for that reason brackets have been put around them. If, as a result of post-war arrangements, they become a part of the Soviet Union, the Union's vote will have to be increased by one unit, from 34 to 35. The data for China include Formosa, Kwantung, and Manchuria, the areas to be restored to China according to the recent Cairo Declaration. With respect to all countries the boundaries of which were changed

[7] League of Nations, *World Production and Prices, 1935/1936*, p. 22.
[8] League of Nations, *World Production and Prices, 1938/1939*, p. 39.
[9] *Statistical Abstract of the United States, 1942*, p. 885.

TABLE A: VOTING POWER OF INDEPENDENT COUNTRIES

Name of Country	*Population*		*Production*		*Trade*		*Total Voting Power*
	Millions of Inhabitants	*Voting Units*	*Millions of Dollars*	*Voting Units*	*Millions of Dollars*	*Voting Units*	
United States	131.4	18	45,500	10	6,300	10	38
India	382	20	7,500	8	1,358	8	36
China	450	20	7,700	8	1,112	7	35
Soviet Union	172 (190)	18	29,000 (30,000)	10	581 (808)	6 (7)	34 (35)
Germany	69.3	16	17,500	9	4,590	9	34
United Kingdom (Great Britain)	47.9	14	11,200	8	7,390	10	32
France	42	14	10,800	8	2,651	9	31
Japan	72.5	16	5,900	7	1,980	8	31
Italy	43.9	14	6,500	8	1,280	8	30
Brasil	40.9	14	2,200	6	685	7	27
Poland	35	14	3,600	7	465	6	27
Canada	11.4	10	4,300	7	1,942	8	25
Belgium	8.4	10	2,100	6	1,697	8	24
Netherlands	8.8	10	1,800	6	1,482	8	24
Rumania	20	12	1,900	6	370	6	24
Argentina	13.1	10	2,800	6	1,240	7	23
Czechoslovakia	15.2	10	2,300	6	800	7	23
Mexico	19.4	12	1,200	5	417	6	23
Union of South Africa	10.3	10	1,800	6	1,140	7	23
Spain	26	12	2,600	6	288	5	23
Egypt	16.7	12	400	4	384	6	22
Korea	24.1	12	600	4	434	6	22
Turkey	17.6	12	900	5	201	5	22
Australia	7	8	2,800	6	1,095	7	21
Sweden	6.3	8	2,100	6	1,043	7	21
Hungary	9.3	10	970	5	314	5	20
Philippines	16.3	12	370	3	274	5	20
Switzerland	4.2	8	1,400	5	708	7	20
Yugoslavia	15.7	10	1,200	5	262	5	20
Austria	6.7	8	1,100	5	500	6	19
Colombia	9	10	440	4	196	5	19
Denmark	3.8	6	1,600	6	701	7	19
Cuba	4.3	8	640	4	327	6	18
Iran	15	10	370	3	241	5	18
Thailand	15.6	10	400	4	120	4	18
Chile	4.9	8	740	4	283	5	17
Finland	3.7	6	1,000	5	405	6	17
Greece	7.2	8	600	4	223	5	17
Norway	2.9	6	800	5	518	6	17
Bulgaria	6.3	8	500	4	122	4	16
Ireland	2.9	6	640	4	325	6	16
Portugal	7.6	8	640	4	159	4	16
New Zealand	1.6	4	1,200	5	494	6	15
Peru	7	8	370	3	152	4	15
Venezuela	3.6	6	470	4	313	5	15
Uruguay	2.1	6	600	4	140	4	14
(Latvia	2	6	600	4	97	4	14)
Iraq	3.7	6	150	2	80	4	12
(Lithuania	2.4	6	270	3	71	3	12)
Bolivia	3.4	6	150	2	59	3	11
Syria & Lebanon	3.7	6	100	2	59	3	11
Afghanistan	7	8	20	1	8	1	10
(Estonia	1.1	4	270	3	59	3	10)
Ethiopia	5.5	8	20	1	8	1	10

TABLE A: VOTING POWER OF INDEPENDENT COUNTRIES—*Continued*

Name of Country	*Population*		*Production*		*Trade*		*Total Voting Power*
	Millions of Inhabitants	*Voting Units*	*Millions of Dollars*	*Voting Units*	*Millions of Dollars*	*Voting Units*	
Nepal	5.6	8	20	1	8	1	10
Saudi Arabia	4.5	8	20	1	5	1	10
Ecuador	3	6	30	1	25	2	9
Guatemala	3.3	6	60	1	37	2	9
Southern Rhodesia	1.4	4	80	1	90	4	9
Dominican Republic	1.7	4	110	2	31	2	8
Haiti	2.6	6	20	1	17	1	8
Liberia	2.5	6	20	1	8	1	8
Luxemburg	0.3	2	150	2	92	4	8
Yemen	3	6	20	1	4	1	8
Honduras	1.1	4	20	1	22	2	7
El Salvador	1.7	4	50	1	22	2	7
Albania	1.1	4	20	1	10	1	6
Newfoundland	0.3	2	60	1	64	3	6
Costa Rica	0.6	2	20	1	22	2	5
Iceland	0.12	2	20	1	25	2	5
Nicaragua	0.9	2	60	2	12	1	5
Panama	0.6	2	30	1	25	2	5
Paraguay	0.97	2	20	1	17	1	4

by the aggressor nations, the data relating to their pre-aggression territory are given. The changes in the boundaries of different European countries which might result from this war, and the necessary adjustments of data and of voting power, might have to be made at the last moment. In most cases, the probable changes will not exceed one or two votes, and it might be better to make these changes only at the end of the reconstruction period, say in five years.

When the question of the United States' accession to the League of Nations was debated in 1920, the Senate wanted to reserve to the United States a number of votes in the League's Assembly equal to that of the British Empire (7).[10] It is possible that a similar demand will be made when the question of voting in the new assembly is under consideration. While it may be argued that the proposed allocation of votes favors the British Commonwealth as a whole, it must be remembered that Great Britain can seldom count upon the Dominions rallying unanimously on her side. Even in time of war, one of them did not hesitate to proclaim its neutrality, and much more divergence can be expected in times of peace. But if the United States insists upon equality, not with Great Britain but with the British Commonwealth, two solutions are possible. First, the vote of the Commonwealth may be decreased to 40, the maximum vote for an individual country, the votes within that total being divided among the members of the Commonwealth in proportion to the

[10] *Amer. Jour. of Internat. Law* (1920), pp. 201–202.

votes to which they otherwise would be entitled. Secondly, and more probably, the vote of the United States could be increased to 183, the total of the votes of the members of the Commonwealth. In that case, other states, for instance China, might raise additional claims and demand considerable increase of their voting power. It might be more reasonable, therefore, to stick to the here proposed allotment of votes and to hope that the actual divergence of interests among the members of the Commonwealth will prevent their banding together into a voting block more solid than other blocks based merely on passing similarity of interest.

A problem of a similar character will arise if the Soviet Union asks for separate votes for all the Republics of the Union. While the largest of them, the Russian Federated Republic, might not be entitled to more than 31 votes, all of them together might have a claim to 135 votes. If the territorial gains of 1939 and 1940 are kept by the Union, the total might increase to 186. This development would put the Soviet Union on equal footing with the British Commonwealth, and it is quite probable that the members of the Union will after a while develop centrifugal tendencies similar to those of the members of the Commonwealth. But if the Soviet Union makes such a claim for special representation of its Republics, the difficulties with respect to United States representation in the Assembly might prove almost insurmountable. While the United States', and probably also China's, demand for equal representation with the two other members of the leading group of powers might seem justifiable on grounds of prestige, the British and Soviet governments might point out that the apparent inequality could be easily remedied if the United States and China were willing to follow them on the road to decentralization. If a system could be devised to transfer the right of representation, in whole or in part, from the national government to the states of the United States and to the provinces of China, a solution satisfactory to all concerned might result. Otherwise, any scheme for an international assembly —even a scheme based on the old system of each country having one representative only—might be wrecked, either by the insistence of some countries on equality with federations or by the insistence of the federated countries upon the representation of their component parts.

A difficulty might arise also with respect to colonies and other dependent areas. The fact that India, if given equal treatment, might be entitled to more votes than anybody else except the United States will probably lead to immediate opposition in some less favored countries. Similarly, the Netherlands Indies might be entitled to a voting power larger than that of the Netherlands themselves, while Burma and Indochina might have a claim to 21 votes each. Sooner or later, each of these countries, and a number of others, will be admitted to equal rights in the community of nations. Since China has been admitted to the inner circle, the color

TABLE B: VOTING POWER OF DEPENDENT COUNTRIES

Name of Country	*Population*		*Production*		*Trade*		
	Millions of Inhabitants	*Voting Units*	*Millions of Dollars*	*Voting Units*	*Millions of Dollars*	*Voting Units*	*Total Voting Power*
Netherland Indies	69.4	16	1,200	5	789	7	28
Burma	16.6	12	570	4	271	5	21
Indochina	23.7	12	540	4	164	5	21
Br. Malaya	5.4	8	1,100	5	889	7	20
Algeria	7.6	8	1,000	5	411	6	19
Nigeria	19.8	12	130	2	181	5	19
Belgian Congo	10.4	10	140	2	93	4	16
Fr. West Africa	14.8	10	120	2	134	4	16
Ceylon	5.9	8	140	2	198	5	15
Fr. Morocco	6.6	8	170	2	115	4	14
Anglo-Egyptian Sudan	6.5	8	70	1	69	3	12
Tunis	2.7	6	160	2	117	4	12
Gold Coast	3.5	6	90	1	137	4	11
Tanganyika	5.3	8	30	—	41	3	11
(Hong-Kong	1.1	4	60	1	315	5	10)
Madagascar	3.9	6	90	1	42	3	10
Palestine	1.5	4	100	2	107	4	10
Puerto Rico	1.9	4	60	1	190	5	10
Kenya	3.5	6	30	—	46	3	9
Uganda	3.8	6	30	—	46	3	9
Angola	3.5	6	20	—	25	2	8
Fr. Cameroons	2.6	6	20	—	20	2	8
Fr. Equatorial Africa	3.5	6	20	—	20	2	8
Eritrea	1.1	4	—	—	110	4	8
Northern Rhodesia	1.4	4	90	1	78	3	8
Sierra Leone	2	6	30	—	22	2	8
Curaçao	0.1	1	60	1	313	5	7
Jamaica	1.2	4	30	—	53	3	7
Italian Somaliland	1.4	4	—	—	58	3	7
Ruanda-Urundi	3.8	6	10	—	5	—	6
Aden	0.1	1	20	—	49	3	4
New Guinea	0.7	2	—	—	20	2	4
Nyasaland	1.7	4	20	—	8	—	4
Sarawak	0.6	2	20	—	31	2	4
Trinidad & Tobago	0.5	1	20	—	66	3	4
Cyprus	0.4	1	60	1	19	1	3
Libya	0.9	2	—	—	19	1	3
Fiji	0.2	1	10	—	19	1	2
Malta	0.3	1	10	—	19	1	2
Spanish Morocco	0.8	2	—	—	8	—	2
Transjordan	0.3	1	—	—	—	—	1

bar seems to have been lifted from the assemblies of nations. The principle of equality might be extended after this war at least to all nations of Asia, and for a number of them direct representation in the Assembly might be granted. Not all the peoples will be so fortunate, however, and special measures might have to be devised to take care of them until the moment of their independence arrives. Their status might be equaled to that of the territories of the United States. They might be empowered to send delegates to the assembly with a right to speak and to defend their interests, but without the right to vote except in cases pertaining to the welfare of dependent peoples. For the latter purpose, votes of dependent countries might be weighted on principles similar to those adopted for weighting the votes of other countries. Table B shows the application of these principles to the most important dependent countries.

TABLE C: SUMMARY

	Independent Countries	*Dependent Countries*	*Total*
1. Regions:			
Europe (including Soviet Union)	579	2	581
[without the Baltic States]	[544]	[2]	[546]
Americas	318	28	346
Asia (including Turkey)	263	137	400
[without Hong-Kong]	[263]	[127]	[390]
Africa	72	228	300
Australia and Oceania	36	6	42
Total	1,268	401	1,669
	[1,233]	[391]	[1,624]
2. Colonial Empires:			
British Commonwealth	183	194	377
France	31	108	139
Netherlands	24	35	59
United States	38	10	48
Italy	30	18	48
Belgium	24	22	46
Australia	21	4	25
Spain	23	2	25
Portugal	16	8	24

The chief Axis countries might for some period after the war be treated in the same way as the dependent peoples. They might be allowed to send representatives to the assembly, but without votes. This restriction, however, should be abandoned as soon as these countries give sufficient proof that they have renounced the way of aggression and fascism.

Only when all these technical and legal problems are overcome will an international assembly become a reality. A mere discussion of the question whether or not an international assembly should be created does not lead anywhere. But if the attention of both the statesmen and the general public could be centered on the merits of concrete proposals for an assembly of a clearly defined composition, a solution might be found. It would probably differ in many respects from the proposal analyzed here. But it is believed that such a proposal might usefully serve as a stepping-stone from the morass of abstract generalities into the firm land of concreteness and reality.

THE LEGAL NATURE OF WAR CRIMES AND THE PROBLEM OF SUPERIOR COMMAND

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One of the most crucial and controversial questions in the field of international criminal justice is that of whether "superior command" is a good defense in a war-crime trial. The answer is of cardinal importance, since trials of war criminals may prove entirely useless if accused persons are permitted simply to pass on the responsibility for their acts to their superiors. The line would lead straight to the omnipotent leader, who might choose to escape prosecution altogether by putting an end to his life. Opinions of writers on the subject are divided, and so are court decisions, war manuals, and legislative provisions. While the American and British war manuals,[1] backed by Oppenheim's authority,[2] recognize "superior command" as a full defense, Anglo-American practice, expressed in numerous decisions[3] and supported by many authorities,[4] refuses to ascribe to it any exculpating effect. Some theories recognize "superior command" as a defense to a limited extent only, dependent upon whether the subor-

[1] U. S. *Rules of Land Warfare*, Par. 347; British *Manual of Military Law*, Ch. XIV, Art. 443. It is important to note that both war manuals have no statutory force, being only publications for the guidance of officers.

[2] See Oppenheim's *International Law* (4th ed. by McNair), Vol. II, p. 410. The chapter on "superior command" in the 5th and 6th editions was written by Lauterpacht, and expresses an entirely different view.

[3] See the case of Henry Wirz, commented on by G. A. Finch in *Amer. Jour. of Internat. Law*, Vol. 15, p. 444 (1921); the case of the *Flying Fish*, 2 Cranch 170; U. S. v. Jones, Fed. Cases No. 15494; Riggs v. State, 3 Cold. (Tenn.) 85; and Regina v. Thomas, reported by Bellot in *Transactions of the Grotius Society*, Vol. 2, p. 47 (1917).

[4] *E.g.*, J. F. Stephen, *A History of the Criminal Law of England* (1883), Vol. I, p. 205; Phillipson, *International Law and the Great War*, Vol. II. p. 483 ff; Lauterpacht in Oppenheim's *International Law*, 6th ed., Vol. II, p. 453; Merignhac, in *Revue générale de droit international public*, Vol. 24, p. 52.

dinate actually knew, or had reasonable grounds for knowing, that a given command contemplated a punishable, or at least an illegal, action.[5]

What has not been tried up to now, and what seems a worth-while undertaking, is to analyze the general conception of war crimes and to try to reach a solution of the indicated problem out of a clearer understanding of that conception.

What Is a War Crime? Most treatises on international law fail to give a definition of the concept of war crimes.[6] Many particular actions, to be sure, are recognized as war crimes, viz., murder, mayhem, rape, arson, abduction, espionage, war treason, etc. But what have these different crimes in common that justifies their inclusion under the general term "war crimes"?

Their common quality may be found in their relation to the war. Every such deed is at the same time a war-like action, an attack upon the opposing belligerent nation. Murder, mayhem, rape, arson, etc., when committed in peace-time, are attacks on indubitable rights of an individual and on society as a whole. The same actions, when committeed in war, carry an additional element, i.e., *attack upon the enemy as such*—violation of *the enemy's* human or family, public or private, rights. Ordinary rape, for instance, is an attack upon individual freedom of sex; rape as a war crime carries with it the conscious humiliation of the individual enemy as such and the destruction of the enemy's family rights. Confronted by an action which has no intrinsic relation to the war at all, we would feel reluctant to classify it as a war crime.

A war crime, therefore, always constitutes some kind of attack upon the enemy, the word "attack" being taken in a broad enough sense to cover even defensive situations, such as using civilians as a shield against enemy fire.

Categories of War Crimes. War crimes are divided into two categories: (1) espionage and war treason; and (2) other war crimes, i.e., common law crimes and other violations of the rules and customs of warfare. The main distinction between the two groups lies in the fact that the former are considered to be lawful acts on the part of the belligerent who uses them.

In the opinion of most authorities on the subject of espionage and war

[5] See German *Militaerstrafgesetzbuch* (1872), Par. 47; Austrian *Allgemeines Strafgesetzbuch* (1852), as amended by act of July 15, 1920, Pars. 535 and 560; case of the "Llandovery Castle," *Amer. Jour. of Internat. Law*, Vol. 16, p. 708 ff. (1922); Hall, *International Law*, 8th ed., p. 499.

[6] An exception is made by Oppenheim, who gives the following definition: "War crimes are such hostile or other acts of soldiers or other individuals as may be punished by the enemy on capture of the offenders" (*International Law*, 6th ed., p. 451). The British *Manual of Military Law*, in Art. 441, follows Oppenheim's definition almost verbatim. However, this definition is only a formal one, pointing out the responsibility of the malefactor before the courts of the offended state.

treason, these actions are lawful and widely used by most belligerents.[7] Accordingly, the term "war crime" does not in itself carry any moral condemnation, and may even be applied to "highly patriotic and praiseworthy" actions.[8] The underground warfare carried on by the subjugated populations of Europe may be punishable by the German occupation authorities on capture of the offenders; nevertheless it is lawful.

Inquiring into the reasons for the anomalous feature of penalizing lawful actions, we find a plausible explanation given by Par. 203 of the *U. S. Rules of Land Warfare* (1940): "Spies are punished, not as violators of the laws of war, but to render that method of obtaining information as dangerous, difficult, and ineffective as possible for the enemy." The great danger of these actions for the opposing belligerent would be out of proportion to the relatively secure position of the spy and war traitor if, upon capture, treatment as prisoners of war were accorded them. Hence the inherent idea in penalizing such actions as espionage and war treason is: "Defense against a particularly dangerous attack by attaching an appropriate risk to the attack."

Considering the conclusions thus far reached, we may note a peculiar result. As far as espionage and war treason are concerned, criminal law and procedure seem to be devoid of any moral aspect. The conception of war crimes with regard to espionage and war treason is lacking in any moral reproach, and the punishment inflicted for these actions contains no element of expiation. It is the typical war situation of attack and defense, the war crimes being the attack and the threat of their punishment being the defense.

In contradistinction to espionage and war treason, common law crimes, committed under circumstances which qualify them as war crimes (including violations of the rules and customs of warfare)[9] involve strong moral reproach and blame against their perpetrators. Such actions are

[7] Oppenheim, *op. cit.*, p. 329, refers to them in the following words: "The fact, however, that these methods are lawful on the part of the belligerent who employs them does not protect from punishment such individuals as are engaged in procuring information. Although a belligerent acts lawfully in employing spies and traitors, the other belligerent who punishes them likewise acts lawfully. Indeed, espionage and war treason bear a twofold character. For persons committing acts of espionage or war-treason are . . . considered war criminals and may be punished, but the employment of spies and traitors is considered lawful on the part of the belligerents."

[8] See British *Manual of Military Law*, Art. 441.

[9] There is no essential difference between "violations of rules and customs of warfare" and "ordinary common law crimes" committed against the enemy. Most acts of war contain all essential elements of criminal acts, and are justified only by their conformity to the rules and customs of warfare. If the commission of acts of warfare is at variance with the rules of international law, the element of justification is lacking, and then such acts are to be considered as ordinary crimes under the common criminal law.

punished in every civilized society because of their injurious effect upon individuals and society. The principle of their punishment contains the elements inherent in every criminal law, i.e., expiation, deterrent and effective protection of certain human interests, as life, liberty, property, habitation, etc.

However, as set out above, these actions, besides violating particular human interests, have one quality in common: They are attacks upon the enemy nation as such; accordingly, in addition to the ideas guiding ordinary criminal law, exactly the same principles apply to them as to the first group of war crimes—espionage and war treason. Their punishment, besides carrying the elements of expiation and deterrent, is "defense against an attack."

A common crime committed under circumstances which qualify it as a war crime thus reveals a two-fold legal nature. It is a complex phenomenon showing two inherent qualities, one of them being the violation of certain human interests and the other an "attack upon the enemy nation." Therefore the social reaction against this phenomenon is governed by two different principles: (1) protection of certain human interests (a principle common to every criminal law), and (2) defense against an attack of the enemy (the same idea which governs the punishment of spies and war traitors).

Defense Against Attack. The question of defense against attack arises only in cases of trials in the country that has been outraged. In cases where the perpetrator is tried by his own courts, there is no place for the principle of "defense against attack." The offending state itself is the attacker, and to adopt a defense against one's own attack would mean a contradiction in terms. Therefore espionage and war treason never are punishable by the spy's and war traitor's own courts, and criminal proceedings for the perpetration of common-law war crimes are conducted in accordance with the particular applicable criminal law, always allowing some grounds for justification or excuse in consideration of the offender's subjective situation. In cases, however, where the perpetrator of a war crime is tried by the country which he outraged—and the Moscow Declaration provides for such trials—the subjective situation of the accused war criminal has to yield to an objective consideration of the misdeeds committed.

When a court is confronted with such defense arguments as compulsion, duress, or superior command, it will in most cases be in a position to dismiss them. There has never been any doubt about the inadmissibility of these defenses in a trial involving espionage and war treason. The principles for the punishment of these actions are entirely governed by objective standards, namely, by the consideration of the danger and misfortune brought about by them for the attacked nation.

It would have been considered ridiculous if the German saboteurs tried by an American military commission in 1942 had pleaded as excuse the orders they received from their German superiors. The danger of being caught and punished is the risk of every spy and war traitor, exactly like the ordinary war risk of every soldier on combat duty. It makes no difference whether or not the spy acted under orders. If he did so, he was led into the danger and exposed to the risk connected with his action by his superior, in precisely the same way that a soldier is led into danger and exposed to risk in open combat by his superior officer.

What holds true for one class of war crimes—espionage and war treason—ought to hold true for other war crimes also. Common crimes committed as war crimes are also attacks upon the enemy. Massacres of civilian populations, rape, violation of family rights and honor, deportation of whole sections of a population, wholesale theft, robbery, arson, and destruction of property are attacks upon the very life of a nation and acts aimed at the paralysis and destruction of the nation itself as an independent entity. Should the commission of these acts, being much more dangerous attacks upon the belligerent nation than the activities of a spy or war traitor, carry no risk at all for their prepetrators only because the attack was well organized and carried out under military discipline? Would it not be an outstanding paradox if, the better organized and prepared such a systematic destruction of a whole nation were, the more chance its perpetrators should have to escape their just punishment by successful pleading of superior command? The theory of superior command leads to the absurd result that the exceptional cases of war crimes occurring within the army of a belligerent nation which on the whole scrupulously observes the laws and customs of war would be severely punished, while the perpetrators of the most abominable crimes in the history of mankind would go unpunished because every action of an individual is directed by central orders, which may be nothing else than the expression of the aggressive will of the whole nation. After all, these malefactors are only members of a well-organized army of a nation bent upon violence and upon terrorizing its peaceful neighbors.

Accordingly, in most cases a court trying a war criminal need not accept his plea of superior command as an excuse. The mere fact of an attack upon the nation justifies the application of punishment as a defensive measure. In that case, the subordinate war criminal was led into danger and exposed to risk by his superior, as a soldier in open combat or a spy acting under orders.

However, in some cases it will be necessary to balance the two conflicting principles. Then the court will have to weigh the facts supporting the application of an objective standard against those suggesting consideration of the criminal's subjective situation of duress or compulsion. The

relative unimportance of the crime committed for the life of the nation as such, lower rank of the accused and in connection therewith his acting as a mere tool in the hands of his superior, imminent danger of grave consequences for disobedience, with no possibility of avoiding them, apparent legality of the order, etc., are circumstances suggesting consideration of the plea of superior command as a mitigating cause, and in extreme cases even as a complete excuse. On the other hand, where a crime forms part of a preconceived plan to destroy a nation or part of it, and especially where the incriminating action is of large importance within the framework of such a plan, the application of the principle of "defense against attack" will lead to rejection of the plea of superior command.

It is important to observe that the above considerations involve no prejudice to the different national laws to be applied in war-crime trials. They simply indicate the treatment which a war criminal may expect and cannot complain of from an international law angle. Like all principles of international law, they may be employed if the applicable national law contains no provision to the contrary. If it does so, the national legislation did not go to the full severity which it might attain under principles of international law, and the provision in question may be changed without thereby creating an ex post facto law.

After the conclusion of a peace treaty, there is no longer any ground for applying the principle of "defense against attack." Hence, espionage and war treason cannot be prosecuted at all after the end of a war, and the prosecution of common-law war crimes has to rely exclusively upon the principles embodied in the applicable national law. Therefore *inter bellum* trials, applying an objective standard, would be appropriate for the perpetrators of the atrocities committed in the present war, since greater consideration for the accused war criminals' subjective conflict-situation, and resulting leniency in the treatment of them, would be an insult to the outraged peoples of Europe.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Professor Quincy Wright has returned to the University of Chicago after a year's leave of absence with the Foreign Economic Administration and the State Department.

Mr. Justice Thurman W. Arnold gave a series of lectures at the University of Chicago during the autumn quarter entitled, "An Economic Ideal for Twentieth-Century America."

Dr. Charles C. Rohlfing, of the University of Pennsylvania, has been appointed expert examiner by the U. S. Civil Service Commission to assist in the recruitment of administrative personnel.

Chancellor A. B. Butts, of the University of Mississippi, on active duty as a Lieutenant Colonel, Judge Advocate General's Department, U. S. Army, since July 1, 1942, has reverted to inactive status and returned to the University as chancellor and professor of law.

Dr. John A. Vieg, at present in the Bureau of the Budget and formerly a member of the faculty of Iowa State College, has been appointed associate professor of government at Pomona College, effective January 1, 1945.

Mr. Robert D. Leigh, director of the Commission on the Freedom of the Press, lectured at the University of Chicago during the autumn quarter on "Politics vs. Bureaucrats: The Case of Congress and the FCC."

Professor C. H. Pritchett, of the University of Chicago, gave his time during the autumn quarter to completing his study of the historical development of the organizations known collectively as "1313."

Professor Henry P. Jordan, of New York University, has been appointed foreign economic specialist in the Pan-American Branch, Bureau of Areas, Foreign Economic Administration, and has taken up his duties in Washington, D. C.

Lecturers in the department of political science at the University of Tennessee this year include Dr. L. L. Durisch and Messrs. L. E. Abbott, A. G. Jones, and Richard Bigger. Dr. Hazel G. Ramsay is teaching courses in political science as well as in history.

Professor G. Leighton Lafuze, of Stetson University, is serving this year as lecturer in political science at the University of Virginia.

Dr. Reuel G. Hemdahl, who has served as research associate with the Pennsylvania Economy League, has accepted an assistant professorship at the South Dakota State College of Agriculture and Mechanic Arts.

Dr. Harold M. Vinacke has received an extension of his leave of absence from the University of Cincinnati in order to continue service with the Office of War Information in the capacity of chief of the Japan Section.

After a period of service as training manager of the Lockheed Aircraft Corporation, Dr. Emery E. Olson returned in November to his regular position as dean of the School of Public Administration, University of Southern California. He continues as chairman of the Committee on Administrative Personnel, United States Civil Service Commission.

The National Civil Service Reform League has set up a National Committee on Post-War Civil Service Problems, with Chancellor Harry Woodburn Chase, of New York University, as chairman. A sub-committee on demobilization and reorganization of the civil service has as chairman Professor Leonard D. White, of the University of Chicago, and as additional members (among others) President Clarence A. Dykstra, of the University of Wisconsin, and Professor Edgar Dawson, of Hunter College.

Lt. D. Barlow Burke, U.S.N.R., has terminated his tour of duty as Legal Officer at the U. S. Naval Receiving Station, Brooklyn, N. Y. He went to Brooklyn in March, 1943, from an assignment with the Department of State.

Dr. Leo Gross, formerly lecturer in political science at Wellesley College, has been appointed professor of international law and organization at the Fletcher School of Law and Diplomacy, and also consultant to the Office of General Council, United Nations Relief and Rehabilitation Administration.

Professor Emeritus John A. Fairlie, of the University of Illinois, underwent a major operation at St. Luke's Hospital, Chicago, during the autumn and is making a satisfactory recovery.

Dr. William B. Ballis, on military leave from his assistant professorship at Ohio State University, and stationed in the Navy Department at Washington, has been promoted to the rank of Lieutenant Commander in the United States Naval Reserve.

Dr. Norman J. Padelford, formerly of the Fletcher School of Law and Diplomacy, has been appointed professor of international relations at the Massachusetts Institute of Technology and will direct a new program in international affairs to be started at that institution. He continues service as a consultant in the Department of State.

Contact has been reëstablished with Senator Vinck and René Didisheim, representing the International Union of Cities and the International Institute of the Administrative Sciences, respectively. The work of

these international organizations, whose headquarters were in Brussels, was interrupted in 1939.

The death of Lieutenant Harold E. Jones, information officer on the staff of Rear Admiral Henry Mullinix, on the escort carrier *Liscome Bay*, which was torpedoed on November 28, 1943, has been reported. Lieutenant Jones, long a member of the American Political Science Association, was editor and publisher of *The Temple City Times* in California.

Professor Ivan M. Stone was granted a year's leave of absence from Beloit College during the summer to engage in work with the Division of International Security and Organization in the Department of State. His work at Beloit is temporarily in charge of Dr. René de Visme Williamson, of Davidson College.

Professor Thomas C. Donnelly, on leave from the University of New Mexico during the past two and one-half years, resigned on October 25 as deputy administrator for information of the O.P.A. and has returned to his academic position as head of the department of government.

Dr. B. Mirkine-Guetzévitch is editor of a recently established monthly journal, *La République Française*, published in New York and devoted to articles, notes, and bibliography relating to French republican and democratic ideology. Much material on legislation and constitutional problems is presented, including a monthly documented article by the editor on the future constitution of the Fourth Republic. Leading French and American scholars are contributing to the successive issues.

The fourth series of conferences of the Institute on Postwar Reconstruction at New York University is being held during the period October 4 to January 3. The general topic is "America's Place in the World Economy," and a lengthy list of speakers includes Professor John B. Condliffe, of the University of California, Professor William Y. Elliott, now with the War Production Board, and Mr. William H. Chamberlain, former Moscow correspondent of the *Christian Science Monitor*.

A School of Advanced International Studies and Foreign Service Training Center, established in Washington (1906 Florida Ave.) under the auspices of the Foreign Service Educational Foundation, has announced a staff, courses of instruction, and general arrangements for its first year, 1944–45. The director is Professor Halford L. Hoskins, formerly of the Fletcher School of Law and Diplomacy, and professors or lecturers include Professors William Y. Elliott, Philip W. Ireland, and Eugene Staley, Dr. Herbert Feis, Dr. Durward V. Sandifur, and others.

Mrs. Bertha Moser Haines, wife of Professor Charles Grove Haines, of the University of California at Los Angeles, died at her home in Los

Angeles in late October. After her marriage to Professor Haines, in 1906, she worked with him on the manuscript of his *American Doctrine of Judicial Supremacy* (1914), and subsequently she became joint author of *Principles and Problems of Government* (1921, with new editions in 1927 and 1934) and sole author of *The Constitution of the United States; A Brief Account of Its Growth and Meaning* (1928). Mrs. Haines participated generously in the activities of the National League of Women Voters and of various civic and university organizations.

The president of the newly established China Society of International Law, with headquarters at 13 Chialing Village, Chungking, China, is Dr. Sun Fo, president of the Legislative Yuan of the National Government. The other members of the Executive Committee are: Dr. Wang Chung Hui, formerly minister of foreign affairs and Judge of the Hague Court of International Justice; Dr. Quo Tai Chi, formerly ambassador to the Court of St. James and foreign minister; Dr. Wang Hua Cheng, sometime professor of international law in Tsinghua University and present director of the Treaty Department of the Ministry of Foreign Affairs; Dr. Wang Shih Chieh, familiar to circles in England as the head of the recent mission from the People's Political Council; Dr. Hsieh Kuan Sen, minister of justice of the National Government; Dr. Robert Sheng, principal of the School of Law, Soochow University; Dr. Tung Ling, member of the Legislative Yuan; and Professor Percy Chen, barrister at law, Middle Temple.

Professor Frederick L. Schuman returned to Williams College for the fall term, after participating during the summer in the program of Intensive Study of Contemporary Russian Civilization at Cornell University. Apart from its importance as a means of training specialists on the U.S.S.R., this program was a significant and fruitful experiment in the integration of the social sciences. All students were required to take six basic courses. One consisted of a "Workshop Seminar," in which various specialists lectured for a week at a time on selected aspects of Soviet civilization, including music, art and architecture, public health, agriculture, foreign trade, education, law, science, etc. The other courses, running throughout the twelve weeks of the program, consisted of Russian Literature, offered by Professor Ernest J. Simmons, director of the program; Russian History, by Sir Bernard Pares; Soviet Economy, by Professor Valdimir D. Kazakevich; Soviet Government and Foreign Policy, by Professor Frederick L. Schuman; and Soviet Social Institutions, by Professor Robert S. Lynd. The courses were supplemented by tutorial work, regular conferences, frequent open forums, a dozen Soviet films, and weekly pictorial exhibits dealing with various features of Soviet life in peace and war. Staff members and students alike were convinced by their

experience that such a concentration of separate disciplines and techniques on a given area and culture offers great promise for the more effective coördination of the social studies in the postwar period.

Members of the American Political Science Association who have followed the efforts of the Association to bring about the fuller publication of election statistics will be glad to know that the Bureau of the Census has published (October, 1944) *Elections Data in State Documents* (State Documents No. 2), prepared by Dorothy W. Kaufman under the supervision of Dr. E. R. Gray of the Governments Division. This publication is mute evidence of the need for federal election statistics, for 216 publications containing election data are listed, and, of course, they are not standardized either as to areas and offices covered or as to time of issue. Moreover, all of these publications together do not cover elections for all offices; although they are the sources of data needed by the student of elections so far as they are available in official sources. The references cover elections, primaries, votes upon measures, and compilations of election laws. The Bureau has in process for publication in December a list of county and state elective offices, including terms, and expects to publish in January statistics on soldier voting in the November elections.

The Washington Committee of the American Political Science Association has created a sub-committee to arrange for meetings of political scientists in and near Washington. The members are Ethan Allen (War Production Board), John Brown Mason (State Department), Major Bennett M. Rich (Office of the Provost Marshall General), Wallace S. Sayre (Office of Price Administration), Lt. (jg) Francis O. Wilcox (Navy Department), Herbert F. Wright (Catholic University), and Charles S. Hyneman (FCC), *chairman*. The sub-committee sponsored a smoker the evening of November 15, which was attended by 83 persons. Three discussion groups have been organized, as follows: "The Political Scientist When He Returns to the Campus," Francis O. Wilcox, *leader;* "The Place of Germany and Japan in the Post-War World," John Brown Mason, *leader;* and "The Reconciliation of Powerful Administration with Democracy," Wallace S. Sayre, *leader*. It is expected that each discussion group will meet at least five evenings. Other discussion groups and meetings may be organized.

Fortieth Annual Meeting of the American Political Science Association. The fortieth annual meeting of the American Political Science Association will be held at the Hotel Statler, Washington, D. C., February 1–4, 1945, under circumstances similar to those governing the two previous wartime annual meetings. The Association will carry out a program jointly with the American Economic Association and the American Society for Public Administration; and attendance will be in accordance with the following

statement prepared by the president of the Association, Professor Leonard D. White: "Both the Office of Defense Transportation and the War Production Board have requested restriction of attendance or cancellation of meetings and conventions in view of the unprecedented strain upon transportation facilities and hotel accommodations. As a war measure, members of the American Political Science Association are consequently urged not to plan to attend the annual meeting in Washington unless they are required to be in the city on account of official or other urgent business." Persons who will be traveling to Washington at the time of the meeting and will need hotel accommodations may communicate with Dr. Henry Reining, Jr., National Institute of Public Affairs, 400 Investment Building, Washington 5, D. C.

The meeting will focus on "Problems of the Post-War World." At the opening session on the evening of February 1, and at joint luncheons on February 1 and 2, prominent representatives of the governmental, academic, and business worlds will give addresses; and during forenoons, afternoons, and evenings there will be four to five section meetings, covering, in all, a wide range of topics, as follows (with organizer and leader indicated in parentheses):

FRIDAY, FEBRUARY 2, 9:30 A.M.

Social Scientists and the Public Service (Kenneth O. Warner, Foreign Economic Administration)

Latin America's Place in the Post-War World (Russell H. Fitzgibbon, Office of the Coördinator of Inter-American Affairs)

Japanese Government in the Post-War Period (Lt. Cmdr. William N. McGovern, Office of Strategic Services)

Consumption Economics (Edwin G. Nourse, Brookings Institution)

FRIDAY, FEBRUARY 2, 2:30 P.M.

Expanding Civilian Production and Employment in the Transition from War to Peace (T. O. Yntema, Committee for Economic Development)

Natural Resources and International Policy (to be arranged)

Interdepartmental Introductory Courses in the Social Sciences (Benjamin F. Wright, Harvard University, and Horace Taylor, Columbia University)

The Reorganization of Congress (George B. Galloway, Commission on the Organization of Congress)

German Government in the Post-War Period (Roger H. Wells, Byrn Mawr College)

FRIDAY, FEBRUARY 2, 8:00 P.M.

Rationing and Price Control in the War-Peace Transition (Donald H. Wallace, Office of Price Administration)

Organized Labor and the Public Interest (to be arranged)

Aviation in the Post-War World (Claude E. Puffer, University of Buffalo)

International Organization for the Maintenance of Peace (Grayson L. Kirk, Columbia University)

The 1944 Election (Harold D. Lasswell, Library of Congress)

SATURDAY, FEBRUARY 3, 9:30 A.M.

International Monetary and Credit Arrangements (Robert B. Warren, Institute for Advanced Study, and Howard S. Ellis, Board of Governors, Federal Reserve System)

Agricultural Price Supports and Their Consequences (Elmer J. Working, University of Illinois)

The Human Problem in the War-Peace Transition (Geoffrey May, Bureau of the Budget)

Political Reconstruction in France (Walter R. Sharp, College of the City of New York)

Political Science Research in the Postwar Period (William Anderson, University of Minnesota)

SATURDAY, FEBRUARY 3, 2:30 P.M.

Citizens' Attitudes toward Politicians and Bureaucrats (In collaboration with National Council for the Social Studies) (Ethan P. Allen, War Production Board, and Wilbur Murra, Civic Education Service)

Fiscal Problems of Transition and Peace (Lawrence H. Seltzer, Wayne University)

Problems of Regionalism in the United States (Robert D. Calkins, Columbia University)

The Political Economy of International Cartels (Myron W. Watkins, New York University)

Food and Agriculture: Outlook and Policy (John D. Black, Harvard University)

SUNDAY, FEBRUARY 4, 10:00 A.M.

The Soviet Union in the Post-War World (Mortimer Graves, American Council of Learned Societies, and John N. Hazard, Foreign Economic Administration)

Postwar Shipping Policies (Richard M. Bissell, Jr., War Shipping Administration)

Functional Representation in War Production, Price Regulation, and Reconversion (Arthur W. Macmahon, Columbia University)

The Supreme Court During and After the War (Robert K. Carr, Dartmouth College)

SUNDAY, FEBRUARY 4, 2:00 P.M.

The Function of Government in the Post-War American Economy (James Washington Bell, Northwestern University)

The Rôle of the States in the Post-War Period (Patterson H. French, Office of Price Administration)

Post-War Control of International Communications (Robert D. Leigh, Commission on the Freedom of the Press)

Organization and Coördination of International Social and Economic Agencies (Benjamin Gerig, Department of State)

Professor James W. Fesler, Room 2520, Social Security Building, Washington, D. C., is program chairman and Dr. Henry Reining, Jr. of the National Institute of PublicAffairs, is the Association's representative on the local arrangements committee.

BOOK REVIEWS AND NOTICES

Our Civil Liberties. By Osmond K. Fraenkel. (New York: The Viking Press. 1944. Pp. 277. $3.00.)

This is a timely and informative volume on a subject of increasing interest to the educated public as well as to students of political science. When, on April 12, 1937, the Supreme Court gave over its hundred-year-old effort to erect barriers against the national legislative power out of some of the reserved powers of the states, it surrendered its most exalted, if not most important, jurisdiction in the constitutional field. Even earlier, it had begun to water down the commerce clause and the due process clause of Amendment XIV as limitations on state legislation affecting the interests of employers. Meantime, however, it had in 1925, by its decision in Gitlow v. New York (268 U.S. 652), brought about a kind of amalgamation of the same due process clause with the First Amendment, taking thereby the critical "first step" toward making itself the defender of freedom of speech and the press against the states, and this jurisdiction strikers, picketers, and Jehovah's Witnesses have latterly activated immensely. The net result of these developments has been the rise almost over night of a virtually new constitutional law, one in which organized labor has succeeded to the privileged position formerly occupied by Big Business as teacher's favorite, albeit accused persons and other hapless and helpless victims of local prejudice have benefited too.

And it is this new constitutional law, or what part of it had been recorded in judicial decisions prior to February, 1944, that Mr. Fraenkel sums up for us interestingly and, subject to a few criticisms, acceptably. Although his reliance is for the most part, naturally, on decisions of the Supreme Court, he is never at a loss for some contemporary state or lower federal court decision capable of filling a discovered gap in current Supreme Court holdings. He is inclined, too, to give considerable attention to the opinions of individual Justices, both affirming and dissenting ones, thus warning us inferentially that the new constitutional law is still rather tentative at points, still in the crucible of experimentation. And as illustrating the up-to-the-minute quality of the book, of the forty-nine citations of "authorities" appended to the longest chapter of the book, that on Freedom of Speech and Press, thirty are to cases which were decided between 1940 and 1943 inclusive.

One deficiency of the book which will be felt especially by the lay reader is its failure to cast up accounts at points. Another, which will be felt more particularly by the professional reader, is the paucity, when the interests of organized labor are not concerned, of critical comment. Thus some of the results which the Court has reached touching the activities of Jehovah's Witnesses illustrate afresh the difficulty which it has experi-

enced before this in checking the momentum of a doctrinal impulse by resort to its own common sense. The most egregious instance of this, the decision last April in Ballard v. United States, came, however, too late for Mr. Fraenkel to notice it.

At other times Mr. Fraenkel's promised pro-labor bias causes him to swing a cudgel rather gratuitously. The implication (p. 29) that the Court has been more ready to review justifications of declarations of martial law at the behest of property interests than of the interests of labor is certainly not supported by his sole citation, Sterling v. Constantin (287 U.S. 378), which, though a property rights case, arose out of a situation involving no violence, whereas Moyer v. Peabody (212 U.S. 78), which is, undoubtedly the labor case he had foremost in mind, did involve violence. In fact, Mr. Fraenkel's silence regarding the latter case, and the useful concept of "preventive" martial law there set forth by Justice Holmes, is somewhat remarkable. Nor is his citation of the Danbury Hatters Case (235 U.S. 522) in connection with his discussion (pp. 231–233) of whether there ought to be legislation to curb some of the powers which organized labor acquired as a result of the Wagner Act, easily explicable in view of such decisions as Apex Hosiery Co. v. Leader (310 U.S. 469) and United States v. Hutcheson (312 U.S. 219). And I for one should have liked Mr. Fraenkel to explain just why the Court insists on classifying the right to picket peacefully not simply as an element of "liberty" but as "freedom of speech," an obvious misnomer when an unwilling audience is importuned.

Two or three miscellaneous criticisms: The statement that the Court's acceptance of "the clear and present danger" rule in the Schenck Case (249 U.S. 47) was "unanimous" (pp. 34–35) should have been accompanied by the explanation that the rule was there involved only in the limited sense of defining the situation in which words amount to a criminal attempt, not at all in the sense of defining the extent of Congress's power to prohibit words. The question of the compatibility with the requirements of Amendment VI of the practice of removing "conspirators" for trial to the scene of the alleged "overt act" is, in view of some recent and pending prosecutions, dismissed with disappointing brevity (pp. 170–171; cf. Justice Holmes' dissenting opinion for himself and three brethren in Hyde v. U.S., 225 U.S. 347). I also think Mr. Fraenkel's despair of any further judicial tests of the poll tax (p. 216) unwarranted in view of the ammunition available in Justice Jackson's admirable opinion in Edwards v. California (see 314 U.S. at 181).

While this well-written book makes good reading for the public for which the author intended it, it is not a work of general entertainment despite the effort of the publishers to give it that semblance by placing at the end of the volume a list of "authorities" which are cited to the pages

of the text in lieu of notes appended to definitely indicated passages. This novel practice occasionally leads to confusion and to the omission of expected justifications, besides wasting the reader's time.

EDWARD S. CORWIN.

Princeton University.

Law Enforcement in Colonial New York. By JULIUS GOEBEL, JR., AND T. RAYMOND NAUGHTON (New York: The Commonwealth Fund. 1944. Pp. ix, 867. $5.00.)

The scholarship lavished upon the writing of this book is both massive and impressive. But I fear that for all but a few highly trained lawyers it will largely defy comprehension and lack interest—so great is the preknowledge assumed and so arid and forbidding is the detail.

The utility of the study, it is asserted, lies generally in its contribution to an understanding of the meaning of "due process" in law enforcement and specifically in the fact that the constitution of the state of New York, in the article on jury trial ["Trial by jury in all cases in which it has heretofore been guaranteed by constitutional provision shall remain inviolate forever, . . . "] and elsewhere, has "raised a beckoning finger to the past and thus will not suffer the deeds of colonial lawyers and judges to sleep in death." This rationale obviously has merit, but so much of this packed study is irrelevant to these considerations and so much of modern law and practice in law enforcement rests upon secure and established foundations that I cannot escape the conclusion that the volume will be found of practical use only in rare and fugitive instances.

The authors are on firmer ground when out of "a certain pedantic attachment to the truth" and concern about the consequences to individual litigants they seek to correct errors which so frequently characterize historiography in the law. Against lay historians the authors level the charge that they frequently fail to recognize (what any lawyer knows) that legal developments in each colony must be held discrete. The "frontier" and "formative era" theories of the common law, formulated by Roscoe Pound, are also subjected to scathing attack. These theories aver that the history of the common law began in America, for all practical purposes, after the Revolution. While the authors recognize that the common law "underwent a process of indenization" in the colonies, nevertheless (and the conclusion is thoroughly and, I believe, definitely documented) essentially the law of the colonies was determined, not by what was found here, but by what had already been experienced in England. Although English criminal law and procedure needed purging, in New York little was done "beyond abandoning some of the more barbarous incidents and making numerous small procedural changes."

The book is divided into two sections: "jurisdiction" and "practice."

The first chapter deals with the varied bases of jurisdiction in law-enforcement in colonial New York about which many a battle raged; the sources including, to name a few, the royal charters, the common law, acts of Parliament, acts of the Assembly, and the ordinance power of the governor and council. The chapters that follow are concerned with how, in fact, the law functioned within the jurisdictional framework—in short, "the normal *cursus curiae*, for city and country, for superior and inferior courts."

A few conclusions of more general significance are that the colonists soon came to regard the common law as the shield and buckler of their constitutional rights (the appeal to natural law was far less important), while the crown looked to the same fountainhead to support prerogative power; accusation by grand jury became the predominant method of initiating prosecution for felonies and the more serious misdemeanors, but in some cases information could be brought by the attorney-general, and other methods were utilized for a vast area of petty misconduct and non-conduct; recognizances were often used as a surveillance technique over persons of ill-fame accused of no specific offense, and occasionally even over persons acquitted of crime (a technique which the authors intimate might be useful today and not inconsistent with historic "due process"); in the trial of a person charged with a felony he was ordinarily deprived of counsel, denied a view of the indictment, not privileged to have process to secure witnesses, often unable to cross-examine since depositions might be read in evidence against him, frequently subjected to what today would be regarded as prejudicial error by the court with little or no recourse and, in early times, tried by a jury which might be fined for its verdict. In cases involving misdemeanors, however, the accused had almost as many rights as today.

The thorough, painstaking research characteristic of this study sets so high a standard that it should serve as a pattern for legal historians. One could only wish that the canvas had been somewhat larger and more colorful.

SAMUEL HENDEL.

College of the City of New York.

Case Reports in Public Administration. SPONSORED BY THE SPECIAL COMMITTEE ON RESEARCH MATERIALS OF THE SOCIAL SCIENCE RESEARCH COUNCIL, GEORGE C. S. BENSON, CHAIRMAN. (Chicago: Public Administration Service. 1944. Reports 1–100. $9.40.)

Some five years ago, the Social Science Research Council, through its Special Committee on Research Materials, undertook the development of a series of public administration case studies which would describe actual administrative situations and the decisions issuing from them. This proj-

ect resulted from a dissatisfaction among many students and practitioners of public administration with the materials available for university and post-entry training, particularly on the grounds that public administration was being presented to the student largely in the form of textbooks and theoretical analyses, prepared for the most part by scholars, rather than in the form of problems and situations as they actually occur in the day-to-day operation of the public business. The main thesis of the Council and the Special Committee was that materials for the study of public administration should be developed in part, and probably in large part, from the practice of administration—a principle which is well recognized in the trades and applied arts, but which, under the influence of the exaggerated academicism of our institutions of higher learning, is constantly in need of being rediscovered in some of the social sciences.

Those who were responsible for the Case Reports project were not particularly interested in public administration as another subject for the curriculum, but they were very much interested in improving the practice of the science, or art, or profession, of governmental administration, by building up a literature of source materials which would help to bring the teaching and practice of public administration into the closest possible proximity. Their interest was in seeing that university study in public administration should genuinely constitute preparation for the practice of a career. In addition, they were interested in developing more formal techniques by which administrators themselves might exchange ideas based on their experiences, and they hoped that ultimately something approximating a science of administration might emerge from the further development of these and other formal methods of recording and analyzing experience.

During the five years since the project was begun, some hundred Case Reports in Public Administration have been prepared and published, covering a wide range of subjects and drawing from almost all levels of governmental administration. Each report describes an actual administrative problem which occurred in a governmental office, enumerates possible decisions that might have been made, and describes the actual decision and the results, to the extent that the results were observable at the time of the report. In addition, most of those reporting cases comment briefly on the significance and implications of the problem.

Although one hundred studies represent ostensibly only a beginning in the project as contemplated, enough progress has been made fully to justify the original conception and also the conclusion that these materials will be found increasingly useful to both the student and the practitioner of administration. As instructional materials, both for university teaching and for post-entry training, they give promise of a real contribution, providing that the present standards are maintained and that the project

is vigorously prosecuted. In particular, the authors of the various reports deserve to be commended for the organization of their materials and the clarity of their presentations. It is a commentary partly on the case method and partly on the quality of the reporting job that the reports are uniformly interesting and readable. The following comments are intended to be suggestive of methods by which the reports might be strengthened at certain points.

For one thing, unless the rate of production can be increased, it may be desirable to concentrate the reporting into circumscribed areas in order that a much more substantial body of related material may be developed. The present one hundred studies cover such a wide area that there is no adequate opportunity for the student to generalize from the data. For the most part, the reports so far issued describe the narrower and more specialized problems which may properly be classified as "technical" problems within the principal subdivisions of the field of public administration: personnel, budgeting, finance, purchasing, and office management. It may be desirable to concentrate in one of these areas for a year or so, and make a concerted effort to build up one field at a time.

A few of the reports deal with problems of broader scope, from which, perhaps, broader principles of administration, of less specialized implications, might be derived. No doubt both types of study have their place, but they contribute to somewhat different purposes. The beginner in the public service who comes up through public administration training is likely to start in as a technician in personnel, budgeting, finance, or other administrative service, and his training ought to prepare him for those specific functions. From his standpoint, and that of his instructors, the most useful materials are those which deal with problems in the specialized fields. On the other hand, the administrator in a responsible position, up against complex problems requiring decision, is interested in the experience of other administrators in comparable situations. Perhaps the Committee should give further attention to the very great differences between these types. In this connection, the writer is of the opinion that a considerable number of the reports which have been classified broadly as "Organization and Management" really belong to the specialized fields, and do not have any substantial significance for organization and management generally.

Another possible criticism of the Case Reports is that many of them are written by persons who did not have direct responsibility in the administrative situation, and that in many cases they were written by observers who were not involved in the situation at all. Although this affords an opportunity to review the conclusions and results by an outside party, it inevitably sacrifices something in terms of the flavor of the situation, so that some of the finer, and sometimes quite important, details may be lost

or modified in the telling. This is another way of saying that in many cases we are not dealing with actual source materials, but with something one step removed. Fully to realize the benefits of the case method, it would appear desirable to have the reporting done by the person having responsibility in the situation.

A project as significant as the Case Reports deserves and requires continuing exertions both on the part of its sponsors and on the part of students of public administration who are in a position to contribute to its advancement. It is to be hoped that the Special Committee will continue and if possible intensify its efforts, and that the next five years will see a substantial addition to the excellent beginning that has been made.

HARRY L. CASE.

Tennessee Valley Authority.

Airports and the Courts. By CHARLES S. RHYNE. (Washington, D. C.: National Institute of Municipal Law Officers. 1944. Pp. viii, 222. $5.00.)

This little book is a manual for the use of specialists and practitioners in the field of commercial aviation. As its title indicates, the book is designed primarily for the use of lawyers. It is written, however, broadly and clearly, with a minimum of legal vocabulary. It should prove a valuable guide to state and municipal administrative officers who have to deal with the governmental problems of public transportation by air. Much wise advice is contained in it.

The eight chapter headings mark the scope of the book: Airport Acquisition—Condemnation of Property for Airport Purposes—Airport Leases—Regulations Governing Use of Airports—Taxation of Airports—Damage Claims against Airport Owners and Operators—Airspace Rights of Aviators and Landowners—Airport Approach Protection. The mold of each chapter is the same. The subject-matter is carefully subdivided topically; the leading cases on each point at issue are cited, with the relevant cases collected in footnotes; and each chapter ends with summary conclusions. At the end there is an elaborate index (it fills thirty-one pages) which completely breaks down the field of study. The whole work is fortified by references in the footnotes to the literature of the subject, and these citations are linked with the story of the cases.

While the title of the manual does what it was meant to do, it still does not reveal the full interest of the material. One gets here for the first time an outline sketch of the many and complex relationships of which the airport is simply the core. The longest chapter in the book, for example, is not that on the acquisition of airports (28 pages) or that on airport protection and zoning (27 pages), but the one on the rights of aviators and landowners in the airspace above the property or airport in question.

This chapter fills eighty pages, and takes the author back to the origin of the common law maxim that a landowner owns all the air-space above his property and all the ground below. This apparent lopsidedness is due, not to the partiality of the author for this branch of law, but to the line of development which both statutes and decisions have taken; and this aspect of the book makes it of value to social scientists other than lawyers.

The backbone of the book remains, however, the cases. As the author puts it is his preface, here are collected "in one place all of the decisions of the courts involving airports." The work is authoritative and as complete as is the present development of the law. It is beautifully articulated, and equipped with every facility for precise reference.

PERCY THOMAS FENN, JR.

Oberlin College.

Parliamentary Representation. BY J. F. S. ROSS. (New Haven: Yale University Press. 1944. Pp. 245. $3.00.)

This book is a study of the representative character of the British House of Commons, timed from the election of 1918 to that of 1935. Part I is a detailed factual analysis of the members in the Parliaments of the period, with respect to their age (at first election and at general elections), their school and university education, occupations, connections with hereditary titles, and party affiliations. Part II is a critical study of the factual analysis and the factors which lead to the results. Part III proposes a series of reforms to remedy the defects of the present system.

The largest age group of members for all parties at first election consisted of those between 41 and 51, and at general election those between 46 and 56. But the Conservative party has a larger proportion of younger members, and the Labor party a larger proportion of older members. The average age of all members at general elections has averaged eight years seven and one-half months higher than the average age of the adult population.

In formal education, the larger proportion of Conservative members have passed the "public schools" (especially Eton and Harrow) and Oxford and Cambridge; the Liberal members are more largely from other secondary schools and universities; while most of the Labor members have had only an elementary education.

By occupations, two-third of the members are from public administration and defense, commerce and finance, not gainfully occupied, and professional occupations (mostly barristers). However in many other groups, members are mostly employers and managers, and few are from the far more numerous operative workers. Miners are more largely represented than other groups of workers. More than half the members are lawyers, company directors, or trade-union officials.

At least two-sevenths of the members in the average house are members or relatives of titled families, nearly all in the Conservative and Liberal parties.

Lastly, a comparison of the aggregate vote for the three major parties with the election results shows the outcome to be largely a "gamble." For seventeen years out of twenty-four, the Conservatives have dominated the government while a minority in the popular vote. Yet in 1929 a Labor vote of thirty-eight per cent of the total produced a Labor government, while in 1935, a Labor vote of forty per cent of the total resulted in a strongly anti-Labor government. In most of the elections from 1922, the Liberal members elected have been far fewer than their proportion of the popular vote.

In analyzing the factors explaining these conditions. Mr. Ross gives most attention to the cost of elections and other financial matters, and to election and party methods, especially the system of single-member constituencies. With respect to age, education, and occupations, he does not advocate proportionate representation of each group, although he is dissatisfied with the extremes under present conditions.

The principal remedies proposed are financial and electoral. The cost of elections should be borne by the government, and the salary of members should be increased to an amount which would enable a member to meet a reasonable standard of life without outside sources of income, thereby relieving the handicap on candidates without such resources. Elections should be by constituencies with from three to seven members each, chosen by the single transferable vote, so that the party membership in the House of Commons would correspond approximately to the popular vote in the country as a whole. Other subsidiary reforms are also proposed.

The study is carefully done, and the discussion is temperate in tone. The electoral system proposed would tend to strengthen the Liberal party in Parliament and the tendency toward coalition governments. To a considerable extent, similar factors could be shown in the United States.

JOHN A. FAIRLIE.

University of Illinois.

Faith, Reason, and Civilization; An Essay in Historical Analysis. BY HAROLD J. LASKI. (New York: The Viking Press. 1944. Pp. 187. $2.50.)

Mr. Laski has written in this volume a confession of faith in the Russian Revolution. Those who do not share in the *mythus* of Stalinism, therefore, may pass it by, since the author has not written such a documented or factual account that one's opinion of the Soviet régime is likely to be altered.

The geometry of the argument might be stated as follows: We are living in a revolutionary time which is expressed in measure by war and the loss

of our once accepted values. We must have a renovation of a commonly accepted faith and a system of values that we can believe is embodied in our civilization. These values will not come from Christianity, since Christianity no longer inspirits the masses as it did before Constantine, and the churches, both Catholic and Protestant, are instruments of the ruling classes and servants of the acquisitive society. Nor can new values come from the intellectuals, for they either cannot see the issue before us (i.e., the Marxian system) or they are sycophants of reaction (pp. 96, 125). The Russian Revolution, as it *was* under Lenin and as it *is* under Stalin, alone meets the test of creativeness in the restoration of values and the saving of civilization when victory gives us another chance. There alone the masses have hope, and thence must the rest of us journey.

Mr. Laski's wooing of Clio has not been a frustrating experience, as it must obviously have been to those who are not Marxian materialists. Christianity and Marxism are the two great contenders for the future loyalty of the masses. While the author condemns the pragmatic principle of historical success, he does not face squarely the issue of what ideas are true and what are false. The Christian thinker must insist that the chief problem is not earthly success or failure, or whether Christians have been worthy of their trust, but whether Christianity is true in principle and in foundation. Perhaps a different book would have resulted had the author on this plane of argument followed out his admission that the passionate Christian "affirmation of the right of each human being to fulfill his individuality" is the only source of a new faith for the postwar generation (p. 37).

"Stalingrad is the resolution of a problem," says Laski, that the common man must solve or die (p. 43), but the social democrat might counter that the murder of Ehrlich and Alter, the treatment of the Warsaw underground, and Russian imperialism resolve as much. The ugliness and brutality of Stalinism is admitted and the contemporary return to the Russian national tradition is ignored. For non-Marxians, Laski's defense of Soviet terror is the most disturbing feature of the book. The Communist party did not leave its faith to the mercy of "the chance decision of an electorate" (p. 158). The Soviet citizen "is constrained to the acceptance of the fundamentals of his faith" (p. 159), and that citizen enjoys a "democracy of a secondary order . . . . He may not criticize Stalin . . . but he can criticize his foreman or his manager . . . " (p. 159). And "it is only where its consequences are deemed unimportant that men are prepared to abide by the results of reason and peaceful discussion" (p. 161).

In contrast, most Americans would argue that the Anglo-American democratic tradition is more likely to save civilization than Mr. Laski's Muscovite prescription.

FRANCIS G. WILSON.

University of Illinois.

Las Ideas Políticas de José Manuel Estrada. By Salvador M. Dana Montaño. (Santa Fé: Imprenta de la Universidad. 1944. Pp. xv, 246.)

Professor Dana Montaño would probably agree that the great intellectual stature of José Manuel Estrada is best measured in terms of his two most significant achievements: He laid the doctrinal foundation for the as yet unrealized liberal-democratic state in Argentina, and he first focused historical, analytical, and comparative methodology on the organization and function of Argentine government, meriting the distinction of being " . . . the founder of Argentine political science." Profundity of thought matched by integrity of spirit characterized his intellectual production during Argentina's turbulent formative period. Ideological conflicts, provoked by Spanish colonial authoritarianism and prolonged by Argentine *caudillismo* in the early independence years, approached maturity and groped for reconciliation during the span of Estrada's lifetime (1842–94). From his chair on the Faculty of Law of the University of Buenos Aires, in the decade 1870–80, he fathered a doctrine and a science. It is appropriate, therefore, that Professor Dana Montaño should have selected Estrada to begin the series of the Institute of Juridico-Political Investigations of the National University of the Littoral on the Argentine masters of political science.

Estrada accepted procedures and ends in government only if in accord with liberal doctrine, the value apex of which was the innate right of liberty of man (p. 82). Paralleling Duguit's philosophical assumption that "society is a natural fact" (p. 106), Estrada dismissed the social contract theory, and argued that man's liberty could be reconciled with government only in a democratic system in which universal suffrage is recognized as a "natural, universal, and absolute" right (p. 130). Freedom of speech, press, and assembly constituted logical and necessary corollaries. Analysis of theory of the state did not preclude penetrating examination of specific problems. Estrada vigorously championed the secret ballot as early as 1873, urged the adoption of proportional representation, called for abolition of indirect election of the president, and realistically appraised federal government in Argentina, correctly insisting that unless the prerogative of federal intervention were curbed, local and state government would pale and die in the shade of strong national administration.

Political scientists will welcome this volume. It has value; at the same time, however, two sharp weaknesses stand out. Dr. Dana Montaño has failed to subject Estrada's political concepts to searching evaluation. Instead, he has expertly assembled from Estrada's twelve volumes of writings his views on constitutional law, individual liberty, rights, and guarantees, the state, representative system, suffrage, federalism, and municipal organization, but in so doing has illuminated the heights but not the shadows of Estrada's thought. Thus, he does not attack Estrada's tend-

ency to allow strong religious beliefs to color his political philosophy (". . . absolute sovereignty resides [only] in God" (p. 122); nor his weak reasons for denying the suffrage to women (they do not possess the right naturally and giving them the ballot would ". . . endanger democracy, liberty, and the order imposed by God on human societies") (p. 143); nor his failure to appreciate the rôle of political parties in a democracy (pp. 175–176). In addition, Dr. Dana Montaño twists Estrada into conformity with political prejudices. He skillfully interprets Estrada's attempts to devise forms and procedures compatible with the Argentine political climate to be a defense of modern nationalistic trends in Argentina (pp. 242–244); and he seizes upon Estrada's contention that the right to vote is inherent in citizenship (p. 132) to footnote his own advocacy of a ballot for Argentina limited to those "capable" of exercising it.[1]

WILLIAM S. STOKES.

Northwestern University.

Revolutions in Russia; Their Lessons for the Western World. BY G. R. TREVIRANUS. (New York: Harper and Brothers. 1944. Pp. viii, 303. $3.00.)

Not the least of the virtues of this volume lies in the fact that it fills a currently much felt need for a layman's outline history of the Russian revolution. Other authors have attempted to supply such a need; but none has done it so ably in so brief a compass or so honestly and dispassionately. Here are both the black and the white; and here, too, is an attempt to trace causation of events of the epic drama of revolution in so far as the cataclysmic and often fortuitous unfolding of such a movement in history permits of this scholarly luxury. Nor is the panorama of events a truncated one. The author has done justice to the uncoördinated and abortive developments of 1905 and provides a satisfactory review of the intervening years up to 1917 and the still-born March Revolution of that year. In succeeding chapters he carries forward the material and political evolution of the Soviet Union from the pioneer experimentation of Lenin and his colleagues among the Bolshevist oligarchs, through the transformations wrought by the nationalistic dictatorship of Stalin, and into the Union's belligerency in the Second World War. Space is even devoted to the Revolution's chief unfinished business, which in the author's opinion is the age-long peasant demand for proprietorship of the land, a demand which he thinks will some day eventuate in outright concession of private ownership or the introduction of really self-governing agrarian coöperatives.

Although the historical analysis of the revolutionary era takes up about

[1] See the author's review of Professor Dana Montaño's contribution to *Estudios sobre la Constitución Nacional Argentina* (1943) in *Political Science Quarterly*, June, 1944, pp. 303–304.

five-sixths of the volume, the author apparently intends this analysis to be a preface to his evaluation of the Soviet's future relations with the West, the subject of the final chapter. In this he considers the possibility of reconciling the traditional values and essentially legitimist postwar aims of the West with the prevailing aims of the Kremlin. His conclusion about the prospects of such a reconciliation is optimistic. The Russian price for a durable accord may be high. The author recognizes that it will include territorial acquisitions in Europe and Asia which in this reviewer's opinion will make the Atlantic Charter seem more than a bit ridiculous; and he suggests a demand for the extension of Russian diplomatic and military influence over other areas on the Soviet's periphery which, if acceded to, will so expand the Russian sphere as to convince any map-maker that Russia is indeed the "heartland of the world island." The author appears to believe that the English-speaking powers can safely legitimize this aggrandizement. The Soviet's conversion to nationalism under Stalin, he thinks, is sincere and the West can confidently anticipate that Russia's future world aspirations will fall into the predictable framework of the traditional Tsarist policy and not into the unpredictable framework of world revolution. The "Communist bugbear," Mr. Treviranus thinks, has been permanently laid away. Moreover—and this is a crucial consideration—the Soviet is one of the "have" nations and its energies are likely to be absorbed for generations in internal development rather than in adventures beyond its frontiers. For this development, furthermore, Stalin will need the benevolent assistance of the West. Hence he too has a real interest in fashioning a durable accord with the West.

The author's optimistic conclusion as to the durability of a postwar accord between Russia and the West on these terms is plausible, but not always convincing to those who have carefully studied the revolutionary record which he has so ably presented. Authoritarian heirs of revolution, like the present dictator of the Kremlin, have discovered in the past that they cannot successfully contain or resist the forces unchained by revolution even when they wished to do so. Moreover, there is an old-fashioned belief, especially current on this side of the Atlantic, that amoral Machiavellian opportunism becomes a habit, even when practiced by those who are responsible for the affairs of a revolutionary state. But if a choice remained for those whom Mr. Treviranus has not succeeded in convincing—and events have made it fairly clear that no choice does remain—they would, for the greater part, perforce accept the formula of the postwar accord among the "Big Three" which he recommends. For there is another old-fashioned axiom usually acted upon even by those who believe that expediency corrupts virtue. Its essence is that when one must choose between two evils, one chooses the lesser. For those who must make this somewhat Hobsonian decision, there is at least the reassurance to be

gained from the fact that an honest author has surveyed the worst and is optimistic about the results of the course which the West will feel compelled to take.

ARNOLD J. ZURCHER.

New York University.

British Colonial Theories, 1570–1850. By KLAUS E. KNORR. (Toronto: The University of Toronto Press. 1944. Pp. xix, 429. $4.00.)

Dr. Knorr presents a comprehensive survey of British colonial theories of the period indicated by the title. Throughout the book attention is consistently focussed upon views concerning emigration, imperial expansion, colonization, and colonial policy. The interplay of political, economic, social, and religious factors is shown very clearly, and so are the connections between these and colonial trade and tariff policies. Occasionally the colonial theories are linked with the broad theme of English political thought, but the political history of the British Isles is left out of the picture. The author shows restraint when he touches the difficult topic of the practical results of the theorizing. While this must be commended as very prudent, the general effect is that a work of this type seems, so to speak, to be suspended in the air because readers will ask whence and why did these theories originate and to what did they lead.

Dr. Knorr has examined a great mass of printed material, both original sources and books dealing with his main topic, and he quotes extensively from writings and speeches of men who took a special interest in British overseas expansion. The great luminaries, Francis Bacon, Josiah Tucker, Adam Smith, and Edmund Burke, receive, of course, much attention, but lesser lights such as J. D. Hume and David Buchanan are given considerable space. The number of men discussed is so large and, generally speaking, so complete that it is with some hesitation that the reviewer ventures to suggest that J. R. Godley might have been treated more fully since his leading articles in *The Morning Chronicle* carried much weight, and that Sir James Mackintosh should not have been omitted.

Viewing the various colonial theories in historical retrospect, perhaps those of Bacon and Burke will command the greatest interest. With prophetic vision, the great Elizabethan advised his countrymen not to found colonies with "wicked and condemned men" and not to restrict colonial commerce. On the positive side, he urged just and gracious treatment of the natives and that colonists must be given an opportunity to "live well." Bacon appreciated fully the connection between sea power and empire—"the wealth of both Indies seems in great part but an accessory to the command of the sea"—and, anticipating some of the great Victorians, he warned that empires might become, like trees with boughs, "too great for their stem." One may detect a certain affinity between some of Bacon's

theories and those of Burke, the application of which resulted in the British Commonwealth of Nations of our own day.

As might be expected, Dr. Knorr traces the relationship between colonial theories and mercantilism, the industrial revolution, and free trade. He has a just appreciation of the effects of the American revolution upon colonial theory, and, unlike some Canadian historians, he does not assign undue importance to the constitution of Nova Scotia. In the discussion of early nineteenth-century theories, those propounded by E. G. Wakefield are quite naturally allotted much space; but no attempt is made to draw a line between Wakefield's basic principles of colonization and his "sales talk."

Some students of British empire history and government may wish that Dr. Knorr had devoted attention to the influence of Puritanism on colonial theories and to the emphasis of colonial reformers upon freedom as a cement of empire. However, all will feel indebted to him for a masterly review of a great deal of difficult material.

PAUL KNAPLUND.

University of Wisconsin.

The Indian Problem. BY R. COUPLAND. (New York: Oxford University Press. 1944. Pp. 711. $5.00.)

Is imperialism on the way out? The present trends do not point in that direction, in so far at least as concerns India, the largest single colony in the world. India has become the symbol of colonial imperialism, and a reading of Coupland's *Indian Problem* gives the impression that the unreconstructed nineteenth-century British reactionaries mean to hang on to colonial status for India. The subtitle of the book is "a report on the constitutional problem of India." Actually, the volume is a whitewash report on the British occupation of India.

Dr. Coupland, who teaches colonial history at Oxford University, divides his work into three parts. The first deals with the Indian problem from 1833 to 1935, the second takes up Indian politics from 1936 to 1942, and the last speculates about the future.

The volume sheds no new light on the Indian problem. The Muslim bogey, the prince's bogey, and the invader's bogey are discussed in much the same way that they have been discussed before in a hundred official reports. There is the typical ranting against the Indian National Congress. There are the usual innuendoes against Gandhi, Nehru, and other Congress leaders. Little attention, however, is paid to the fiscal and economic aspects of the relation between Britain and India—India, the brightest jewel of the imperial crown, the juiciest plum in the imperial pudding.

The author is amazed at the "swift process of constitutional advance"

achieved when the act of 1935 was imposed upon India. He fails to mention that this so-called constitution, London-made, has no bill of rights, that the army, the national finances, and foreign affairs are beyond the control of the legislature, and that the viceroy rules India with absolute veto.

Much worry is expressed over the alleged dictatorship of Gandhi. Presumably when an English lord rules India by edicts and fiats, and holds thousands of people in jail without trail, that is no cause for worry. It is democracy. The problem of India today, as viewed by one American realist, is simple: it is Britain.

H. N. Brailsford, the well-known British publicist, in his recent book, *Subject India*, says that India is "the outstanding example of modern imperialism" and that India should now be liberated. Coupland does not believe that Englishmen should disengage themselves from their self-appointed mission in India. It is, as he phrases it, "a question of principle" —a white man's burden. Toward the end of his heavy treatise, he poses this rhetorical question: "Can anyone believe Britain would be justified in leaving India exposed to attack from without and to anarchy within?" Might not a Japanese imperialist, conscious of his "mission" in China, ask the Chinese the same kind of question?

The author is a highly intelligent and industrious man who happens to be a professor, but a man whose point of view as revealed in these pages seems more like that of a promotion expert, a sales manager intent upon "selling" Britain's empire to America. The result is tedious.

SUDHINDRA BOSE.

State University of Iowa.

The French Colonies, Past and Future. BY JACQUES STERN. (New York: Didier. 1944. Pp. xviii, 331. $3.00.)

Popular books on politics as a rule are either optimistic or pessimistic. This volume is neither; it is rather to be classified as "enthusiastic." M. Stern, a former French minister of colonies (1936), waxes eloquent over French colonial administration, and beginning as far back as the Crusades, he finds that wherever the French have gone they have brought glory, excellence of administration, and civilization. So spirited and uncritical is this justification of French colonial policy that its appeal loses strength. The volume covers the rise and fall of the first French colonial empire, the development of the second, and the administration of the mandated areas. In a section entitled "France Abroad," the author has seen fit to discuss the Huguenots at the Cape of Good Hope, the Panama Canal, and the French in Persia. Apropos of the Canal, M. Stern concludes: "It was really a Frenchman who created it."

Covering so large a subject in so brief a space, the author indulges in an

unfortunate simplification, the net impression of which is not always in accord with fact. For example, in the four pages devoted to Tunisia there is no reference to the fact that in 1862 the Bey borrowed some thirty-five million francs abroad, chiefly from French money-lenders; to the fact that French bond-holders wanted protection for their investments and finally outright intervention; to the machinations of Rustan, Jules Ferry, and others, to thwart Italian ambitions in Tunisia and to establish a protectorate. Thus, this is but a surface account of French colonial policy.

One discovers in this volume little of the essential nature of French colonial administration. It is enough for the author to declare in connection with Tunisia that "the mixed administration of our colonies . . . is the essential guarantee of the success of our colonial policy. The work of adaptation of French law to Moslem tradition was begun . . . in 1882. The promulgation of our codes, informed by the Koran but adapted to modern needs, does honor to our first proconsuls who were responsible for them. As for Tunisian economy, Paul Bourde bent all his efforts to developing the wealth of the country as rapidly as possible. Great prosperity and sound finances are the pride and the achievement of the protectorate." This same defect, uncritical laudation, is noticeable in the discussion of the other colonies.

In the first chapter, M. Stern attacks Wendell Willkie's condemnation of the colonial spirit and the "imperialism" of Great Britain, France, Holland, Belgium, and Portugal." The goal of the world," says the author, "is to multiply such organisms as the British and French empires, which are real Leagues of Nations in embryo, because they alone are capable of surviving, as has been demonstrated by two wars, and because without them there is no effective guarantee of peace."

At the end of the volume there is a statistical survey of the French colonies taken from *Statistique Générale de la France*, 1936 and 1937.

C. GORDON POST.

Vassar College.

The Tyrants' War and the Peoples' Peace. By FERDINAND A. HERMENS. (Chicago: University of Chicago Press. 1944. Pp. xiii, 250. $2.75.)

Professor Hermens' study is another effort to enlighten us on the German problem. It is one of the least vindictive solutions offered, and his reading of German history and character is presented as one of the most objective now available. Professor Robert M. MacIver, in his introduction, urges that such a dispassionate appraisal of Germany was never more timely, while the publishers frankly recognize that the book may not be popular with the peoples of the United Nations today. Mr. Hermens, a former member of the Catholic Center party, left Germany in 1934 to escape the Nazi rule. He is now a citizen of the United States and professor of political science at the University of Notre Dame.

The author does not suggest a necessarily "soft" peace for Germany. He cautions against the dismemberment of the nation and believes that the Germans themselves should punish the war criminals. He would dissolve the cartels in Germany and, in an effort to provide the basis for a more democratic society, would favor the expropriation of the Junker estates. He dismisses the fear that any future German attempts will be made toward expansion. This is based upon two assumptions: first, his belief that the military defeat of Germany and its losses during the present war will be a sufficient lesson; and second, that the Nazi program has never been accepted seriously by a large majority of the German people. It appears also that the author underestimates the influence which Nazi training has had upon German youth bred only in the climate of the totalitarian state. With this reading of recent German history, he has made the usual distinction between the Nazis and the "other Germany." The logic of that division, if it is made in extremes, does not lessen the confusion now apparent in the conflict between those who favor a soft peace and those who favor a hard peace for Germany. It leads inevitably to a concentration upon the German question alone.

"Peace," the author rightly states, "means the re-establishment of a durable pattern of relationships among the peoples of the world, including the vanquished. . . ." But the central issue confronting the peace-makers is not the German problem. Rather, the continuance of the coöperative relationships established among the powers now arrayed against the Axis is of paramount importance. Can we not admit that the calm, objective approach to the German question will not be heard now above the welter of voices clamoring for a vindictive peace? Then we may concentrate on those "relationships," charged with less emotion and hate, from which we may hope for enduring peace? Surely Germany has been in the past, and may in the future prove to be, a disruptive force. Yet if the peoples of the world can be assured that the Great Powers will agree to the terms imposed on Germany, and agree to altered solutions later *if necessary*—not only with respect to Germany, but also as to other conflicts which will inevitably arise—then indeed the "durable patterns of peace" may emerge. Germany—good or bad, united, industrialized or otherwise—would then be unable to wreck the peace.

GRANT S. MCCLELLAN.

Foreign Policy Association.

Geopolitics; The New German Science. By ANDREW GYORGY. (Berkeley: University of California Press. 1944. University of California Publications in International Relations, Vol. 3, No. 3, pp. 141–304. Paper. $1.50.)

According to Strausz-Haupé, there were in a recent German bibliographical list no fewer than three thousand books under the heading of

Geopolitik. The connotations and ramifications of this vast literature were summarized and brought home to Americans in 1942 by the publication in this country of a half-dozen books on the subject. Under these circumstances, is there need for still another critical analysis of geopolitics? Andrew Gyorgy believes that there is such a need and has accordingly written a careful and scholarly monograph.

The author holds that German geopolitics is "human geography adapted to modern totalitarian politics" (p. 141). Historically, it can be regarded as a new version of older environmental theories which reach back through Montesquieu and Bodin to Aristotle, but which received more precise formulation at the hands of men like Ritter and Ratzel in the nineteenth century and Kjellén and Mackinder in the early twentieth. As it developed in the intellectual climate of nineteenth-century Germany, geopolitics became mixed with organic theories of the state, social Darwinianism, nationalism, and imperialism. The culmination of the process is reached in the works of Haushofer and his disciples in the years since World War I. Gyorgy deals not only with Haushofer's own ideas, but also with those of his less well known collaborators of the "Munich International." After the National Socialist Revolution of 1933, *Geopolitik* was institutionalized and heavily propagandized by the Nazis. It lost such scientific elements as it had previously possessed and became "a new totalitarian science merging geography, politics, and an aggressive brand of imperialism into a mystical yet powerful combination" (p. 276). It spawned a new set of disciplines such as *Geo-Psychologie*, *Geo-Medizin*, and *Geo-Jurisprudenz*, all dedicated to the pursuit of absolutist ideals of power politics and race.

While the ground covered by Gyorgy is much the same as in the previous works of Dorpalen, Whittlesey, Strausz-Haupé, Mattern, and Wiegert, his account is systematically organized and heavily documented. Among the valuable features are the extensive critical footnotes, a discussion of the literature of geopolitics, and a bibliography covering sixteen pages. On the other hand, the book contains none of the intriguing maps so dear to the hearts of German geopolitical writers. Although the monograph will probably win no wide popular acclaim, it has real value as a standard reference work.

ROGER H. WELLS.

Bryn Mawr College.

The Danube Basin and the German Economic Sphere. BY ANTONÍN BASCH. (New York: Columbia University Press. 1943. Pp. xiv, 275. $3.50.)

A Challenge to Peacemakers. EDITED BY JOSEPH S. ROUCEK. (Philadelphia: The American Academy of Political and Social Science. 1944. Pp. 176. $2.00.)

The public discussions of the shape of the peace to come, as well as the official deliberations as far as we are apprised of them, have made certain the solutions of only two problems: the treatment of the enemy, at least in general outline, and the establishment of an international organization somewhat after the model of the League of Nations. Not much attention has been paid to, and no solution has been shown for, the problem whose importance overshadows the other two, that is, on the basis of what positive principle the nations of the world can live peacefully together.

It is with this problem that Dr. Basch deals. Even though he limits the discussion to the Danube Basin, the aspects of the general problem and the conditions for its solution emerge from his penetrating analysis of past errors and economic facts. It was the great weakness of the peace settlements of 1919 that they concentrated all attention upon the weakening of the defeated enemy and the erection of a world organization while not even asking the question of how the new nations in Eastern and Southeastern Europe would be able to live politically, militarily, and economically. The principle of national self-determination may be a valid standard for the constitution of nations, yet it is unable to provide a rule for their political, military, and economic life.

The newly created nations of the Danube Basin learned to their sorrow the truth of this statement. Dr. Basch shows how and why these predominantly agricultural countries became the victims of a continuous economic crisis aggravated but not at all created by the collapse of 1929. He shows also that in view of this chronic economic crisis and the lack of understanding and interest on the part of the Western powers, the economic domination of the Danubian region by Germany became inevitable. His analysis of the German policies of planned balance of payments and bilateral trade agreements is especially valuable. These policies were naturally instituted in order to further the political, military, and economic interests of Germany and served this purpose well. But they did not solve the problems of the Danubian countries.

Dr. Basch does not believe that the Danube Basin can solve its economic problems by its own efforts, and he does not favor the establishment of a Danubian federation. He is convinced, and we think rightly so, that, historically and functionally, the Danube Basin is an integral part of the European economic system and that a solution of its economic problems can be found only within the framework of Europe as a whole.

The March, 1944, issue (Vol. 232) of *The Annals of the American Academy of Political and Social Science* deals not only with the Danubian Basin but with Eastern Europe from the Baltic to the Black Sea, and it deals with the political rather than the economic problems of this region. The approach of the different authors is mainly analytical and takes its point of departure, as it should, from the problem of nationalism. Only two

contributions deal with the future. The volume contains valuable material for theoretical and practical attempts to create unity out of the anarchy to which a mechanical application of the principle of national self-determination has led the nations of Eastern Europe.

HANS J. MORGENTHAU.

University of Chicago.

Woodrow Wilson and the Lost Peace. By THOMAS A. BAILEY. (New York: The Macmillan Company. 1944. Pp. xii, 381. $3.00.)

In this timely volume, an outstanding diplomatic historian matches his hindsight with an outstanding war president's foresight. Taking deliberate advantage of the perspective of time, Professor Bailey submits President Wilson's career as peacemaker to a critical reappraisal. With complete sincerity and intellectual honesty, he tries to point out the explicit factors in Wilson's failure to achieve a lasting peace, "to the end that we may not make the same mistakes again." This is a courageous undertaking for any writer, particularly at a time when all the forces of history, assisted by Hollywood, conspire to revive the cult of Wilsonism and the power of its oracles. It is a type of historical interpretation that political scientists can only applaud. So great are the dimensions of the subject, however, that heroic standards must be applied to the critic. We may readily credit him with a stimulating essay for undergraduate students. Has he also presented a case so convincing and so profoundly reasoned as to enable contemporary peacemakers to know the pragmatic right and wrong of Wilson's actions and guide their steps accordingly?

There is nothing radically new or unfamiliar about the war president Professor Bailey introduces to his readers. As in the generally accepted version, Wilson opposes our entrance into the war until the eleventh hour and signs the Sussex ultimatum in spite of his ideals only after the Germans have left him no other recourse. At this point Professor Bailey pauses to reject the various theses that we were dragged into the war or that we entered it to save the Allies or redress the balance of power. The decision to fight, he says, was "made in Germany," and the President took it solely in defense of "the classic American principle of freedom of the seas." Once having taken it, however, he began to evolve and enunciate the loftier war aims of the Fourteen Points and to confuse them with the actual causes of our declaration of war. So eloquently and so fervidly did the President preach these higher principles that he soon had himself, his countrymen, and most of the war-weary peoples of Europe—including the Germans—believing that they were the true reasons for our belligerency.

This, Professor Bailey believes, was the greatest and most pervasive of Wilson's mistakes. He set forth on his crusade without knowing his allies' war aims or making sure that they would follow him. Out of this basic

error of judgment issued all the disillusionments, "blunders," frustrations, and failures that form the not unfamiliar substance of Professor Bailey's pages. We follow Wilson to Paris and through the devious bickerings of the Peace Conference to arrive at the end with some morals for contemporary peace-makers: "War aims should be unambiguous, practicable, acceptable to American public opinion, and closely correlated with the pronouncements of our allies." Emotionalism should be "held in leash." "American public opinion must be educated *in advance* to its responsibilities in world affairs. . . ." Unconditional surrender. A bipartisan peace commission. Cordial coöperation between the President and the leaders of both parties in Congress. A preliminary peace before the final treaty. "Workable machinery for peaceful change." Amendment of the Senate's treaty-ratifying power. Professor Bailey's final conclusion is that "Wilson had a noble vision, but he made the tragic mistake of thinking that mankind, without the proper preparation and education, could attain a kind of international millennium at a single bound."

This is no revolutionary indictment, but a rather conservative and by no means unsympathetic effort to explain our failure, in 1919, to attain ideals which Professor Bailey holds in common with President Wilson. It is a praiseworthy effort, but fails of greatness because, in the opinion of this reviewer, the author's text is too slight to sustain his conclusions. The simple narrative of Wilson at the Peace Conference, with its thumbnail sketches and anecdotes, neither reveals the man nor comes to grips with the basic issues with which he had to contend. It does not extend or revise our knowledge of Wilson sufficiently to enable us to judge either his motives or his actions with any greater certainty than heretofore. It merely registers one more well-informed concurring opinion in some practical decisions which, it would seem from current trends of policy, had already been made by Wilson's successors.

A. WHITNEY GRISWOLD.

Yale University.

The Coming Struggle for Peace. By ANDRÉ VISSON. (New York: The Viking Press. 1944. Pp. x, 301. $3.00.)

The immense literature on postwar problems may be classified into three principal groups: First, the literature dealing with postwar international organization in the legal or economic field, ranging from Utopia to Realpolitik, from wishful thinking to pessimistic despair, from sheer amateurism to highest scholarship. Second, the literature dealing with the political problems of the peace treaties, as a precondition for a chance of success of the postwar international organization. Third, the philosophical literature, dealing with the deepest reason of the present unhappy state of the world, the spiritual crisis of Western civilization.

The book under review definitely belongs to the second group. The author has voluntarily imposed upon himself certain limitations: exclusion of economic problems, although without failing to recognize their vital importance; second, the exclusion of the problems of Spain, Japan, Italy, and Germany, although fully aware that the problem of postwar Germany is *the* problem of Europe and of peace. Starting from the fact that the United Nations is not a spontaneous coalition, but was brought about only by adherents being successively attacked, and is, therefore, even more subject to the danger of disintegration, once the menace is over, he stresses the internal political problems of the United Nations. These must be solved to make a durable peace possible. The author does not propose ready-made solutions for all the problems; he wants primarily to give a full and objective exposé. His book is a book of information.

The author, a Russian-born American international journalist, has lived, studied, and travelled all over Europe and the Near and Middle East; he speaks from personal knowledge and experience as well as from studies. For these and other reasons, only a few pages are devoted to the postwar problems of the Far East. But ninety pages are given to the Near and Middle East, to "Arab Aspirations and World Politics," presenting a highly detailed and very valuable picture of the intricate problems of this area, little known to the general public.

The bulk of the book deals with postwar Europe; British-American relations ("the cornerstone"), Soviet relations with the West ("the crucial problem"), the Polish-Russian conflict ("the open wound"), the Baltic states and Finland, the rebuilding of France, the position of Holland, Czechoslovakia, the chaotic conditions of Yugoslavia and Greece, and the elusive problem of "Danubian Europe" from Austria to Turkey.

The author strongly emphasizes the extreme difficulties of a satisfactory European settlement: the "Big Four," that will take the principal responsibility, consists wholly of non-European (extra-European or semi-European) Powers. On the other hand, the peoples of Europe, creators of our civilization and of all the moral, political, and social doctrines of that civilization, while desperately divided among themselves, are, nevertheless, "traditionally rebellious, independent, and freedom-loving," so that it will be impossible to impose upon them from outside any general plan for Europe by force. There are, finally, the burning and exasperating nationalisms of Europe, little understood in America, yet provoking emotional reactions among Americans who have come from the European countries concerned.

The student of European affairs who knows Europe by living experience will learn little from this book. But since the author's presentation is correct, complete, and impartial, the volume constitutes an excellent source of information for the general public. It is, at the same time, a warning to

the diplomats of the Peace Conference: it shows that the making of a just and durable peace for Europe—even apart from the basic problem of Germany—needs more than good will and high principles; it needs full knowledge and a mastery of statesmanship in finding practically acceptable solutions in a hundred concrete cases, and constitutes, therefore, at the best, a Herculean task.

JOSEPH L. KUNZ.

University of Toledo.

Primer of the Coming World. BY LEOPOLD SCHWARZSCHILD. (New York: Alfred A. Knopf. 1944. Pp. x, 309.)

As the title indicates, *Primer of the Coming World* is a popularly written discussion of postwar problems and the solutions considered most desirable by the author. It is in primer form, a statement of principles terminating each chapter, and while at first intriguing, this style tends to cloy after the two-hundredth page.

Stripped of its trappings, Mr. Schwarzschild's argument is based upon the belief that a Third World War will be started either by Germany or Russia. The threat of Germany, he believes, can be eliminated by total, permanent demilitarization. Once complete German disarmament has been effected, he proposes to ensure its maintenance by Allied military occupation for a minimum of sixty years, until present generations imbued with militaristic ideas shall be extinct and a new race developed appreciative of the benefits of a civilization without an army. All other measures to maintain peace and prevent future German aggression, he considers and rejects without qualification as inadequate or ineffectual. A world security organization he deems valuable as an experiment in international coöperation, but no guarantee of enduring peace against a powerful Germany.

On Russia's rôle in the postwar world, Mr. Schwarzschild is undeniably pessimistic. He is an uncompromising supporter of nineteenth-century capitalism and a determined opponent of Communism. He is, moreover, very skeptical of Russia's willingness to remain within the borders which will be established at the end of the present war. Whether an expansionist policy will be motivated by return to the Communist ideal of world revolution or by a purely nationalistic desire for increased territory or increased power, the author is not sure. That Russia, not Great Britain or the United States, will be the potential menace to world peace, he is convinced. Without agreement among the Big Three, he states, peace is doomed; but he does not indicate how that agreement is to be achieved or maintained, except possibly by the avoidance of all issues leading to a clash of the conflicting ideologies.

In passing, it should be noted that Mr. Schwarzschild, while a gifted writer, is no economist. It is particularly in those sections which discuss

economic problems and economic forces in international relations that his book is weakest. His conclusion, for example, that there were no obstacles to Germany's payment of reparations at the end of the last war except German unwillingness to do so completely ignores the effect of high tariff barriers in the Allied countries. The procedure by which he proposes that heavy reparations shall be exacted from Germany under the coming peace treaty could not withstand the most generous criticism of a trained economist.

Nevertheless, as a stimulating exposition of the views of a liberal writer with wide experience, *Primer of the Coming World* well merits reading. The mere fact that it will arouse the violent disagreement of its economist or political scientist readers will be valuable as an aid in crystallizing the readers' own opinions on the controversial problems discussed. However, its over-simplified approach to these problems and their solution might well be misleading to the uninitiated.

D. BEATRICE MCCOWN.

Vassar College.

Cartels: Challenge to a Free World. By WENDELL BERGE. (Washington, D. C.: Public Affairs Press. 1944. Pp. vi, 266. $3.25.)

A network of "private governments" of unbelievable power and viciousness is laid bare by the pen of the assistant attorney-general in charge of the anti-trust division of the Justice Department. The thesis is simple and all pervading: America can never have a foreign policy based on the prinsiples of democracy and international good-will as long as international trade is dominated by cartels; and the greatest threat to our success in achieving full production and full employment at home is the philosophy and practice of privilege embodied in cartels. Mr. Berge's "big stick" is vigorous enforcement of the Sherman Act and the congressional power to investigate and publicize the hidden dealings of cartel interests.

The author justifiably claims that "the real usefulness of this book will depend upon its fairly detailed explanation of the operation of particular cartels, with direct quotations from letters, memoranda, and other documents" (p. iv). The study highlights the most glaring acts of cartel banditry rather than attempting to serve as a complete source-book. The misuse of technological research, the prostitution of the patent law, and international business machinations are vividly recounted in descriptions of cartel operations in certain major industries.

Specific instances where the public welfare and national security have been jeopardized are cited by recourse to practices in the drug, vitamin, and hormone industries and the abuse of such products as quebracho (used in leather tanning), titanium (a white pigment for paints, glass, etc.), and optical instruments. That this ruthless hookup has been but

temporarily and partially stymied by the war becomes only too apparent after a perusal of the quoted confidential documents.

The exposure of the dangers of cartelization is excellent. The suggestions, though, are reminiscent of those of reformers who sought, in vain, via the Sherman Act to restore completely free competitive enterprise functioning through small units. It is short-sighted to skirt tendencies which are inexorable and often desirable, namely, large-scale production with its accompanying technological advance and increasing internationalism. Bigness need not be a curse, but can bestow the advantages of economical and efficient production and susceptibility to public control. The latter is typified by the coöperation which the Office of Price Administration obtained toward the prevention of blackmarketing at the chain grocery store level.

Not the elimination of private business treaties, but international control of such agreements, will make for peace. The proposal of the Foreign Policy Association (*New York Times*, October 16, 1944) for registration of all such agreements, intergovernmental or private, with an international economic tribunal offers a hopeful beginning. This type of device both stems irresponsibility and parallels in the economic sphere the concordance among nations which we are seeking politically.

Berge's fact-finding and publicizing make the book extremely valuable. Unfortunately, his solution, by hitting only at the outer crust of the problem, lacks power.

RITA DAVIDSON.

Cambridge, Mass.

A Guide to Naval Strategy. By BERNARD BRODIE. (Princeton: Princeton University Press. 3rd ed. 1944. Pp. xii, 314. $2.75.)

In this book, it is made unmistakably clear that "sea power has never meant merely warships" (p. 2). Chapters devoted to "Land-Sea Operations," "Bases," and "The Air Arm of Sea Power" emphasize the great importance of intimate integration of operations ashore, afloat, and in the air, with numerous references to contemporary illustrations. The Battle of the Atlantic is headlined as "the key naval campaign of the whole war," because of the necessity of defeating U-boat inroads upon shipping so essential to the delivery of men and materials to European land fronts. Principles of strategy are stripped of any esoteric character by a realistic appreciation that they "have been garnered by intelligent reading of military history" (p. 10); also that "adherence to one principle frequently demands violation of another, and that there is no principle but admits of exceptions" (p. 11). The "Tools of Sea Power" are reviewed in non-technical language descriptive of the battleship (pp. 17–41), the battle cruiser (pp. 41–46), the cruiser (pp. 46–51), the aircraft-carrier (pp. 55–65), the

destroyer (pp. 65–68), the submarine (pp. 68–76), other combat vessels such as the corvette, frigate, destroyer-escort, submarine chaser, patrol boat, and landing craft (pp. 76–79), and auxiliaries of all types (pp. 79–80). Other tools are identified as anti-aircraft armament, rockets, torpedoes, and mines (pp. 80–90).

Under "Command of the Sea" is sketched a fascinating appraisal of ways by which fleets based on carefully selected spots (i.e., the British Isles, Gibraltar, Pearl Harbor, and Yokosuka in the present war) can exercise threat value as "fleets in being" (p. 94) and "general cover" of important sea lanes (p. 97). Chapter 5 is devoted to the important duty of defending shipping by evasive routing (p. 143), convoys (which are "not a great deal easier to find on the ocean than a single ship," p. 144), armed merchantmen, balloon barrages (p. 150), and aircraft patrols (p. 161).

The entire book is replete with examples drawn from actual events, maps, and drawings, and is supplemented with a carefully selected "reading list" and a good index.

W. Leon Godshall.

Miami University.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

Foreign Influences in American Life (Princeton Studies in American Civilization, 1944, pp. 254, $3.00), edited by David F. Bowers is a symposium of eight essays. The discussion covers the social impact of foreign influences upon American culture, the Americanization of the immigrant, the ethnic and sociological factors of adjustment of dissimilar peoples, the ethnic and economic influence of European writers, the immigrants in American politics, foreign influences in American art, and the stimulus of Hegel and Darwin to American thought. Dr. James G. Leyburn, of Yale University, presents the view that similar cultures assimilate easily while racial differences, even of the same culture, produce cleavages. A Negro, notwithstanding his American background, remains a Negro because of his racial appearance. The same is true of the Oriental. The only solution, the author holds, is intermarriage, which he feels will not occur for centuries. Dr. Frank D. Graham of Princeton University traces the conflicting currents of foreign thought in American economy. The policy of Alexander Hamilton and Albert Gallatin was shaped by Adam Smith's *Wealth of Nations*. In opposition to the theory of *laissez faire* was that of institutionalized economy of Karl Marx. Darwin and Malthus contributed their pessimistic analysis concerning an improved standard of living. The author concludes: "We have not yet been very successful in melting the elements in our melting pot." The other eminent contributors to this stimulating book are David F. Bowers, Stow Persons, Oscar Handlin,

Donald Drew Egbert, and R. P. Blackmur. The book has an excellent critical bibliography. The chief criticism is that which applies to most symposia—a lack of unity, coherence, and integration.—MARY EARHART DILLON.

For many years, the South has been a field of regional research concerning its resources and ways of harnessing these resources so as to lift the region's admittedly low levels of production, income, and standard of living for the masses. More recently there has developed an articulate concern with the task of translating the results of research into social gain and action through education. John E. Ivey, Jr., discusses this task and what is being done about it in *Channeling Research into Education* (American Council on Education, pp. xviii, 187, $1.25). He prepared this book for the Committee on Southern Regional Studies and Education, created by the American Council on Education, and has had the assistance of the General Education Board. The work and conferences of the committee are summarized and attention is given to the work of other groups, both regional and state. Without being comprehensive, the study explores the problems of resource education from elementary instruction to the top, giving consideration to great works like those of Howard Odum, Rupert Vance, and Charles Johnson, and also going into such matters as textbooks, pamphlets, films, and other popular aids. The fifty pages of "Selected Source Materials on Southern Resources and Problems" were not closely checked against inaccuracies. There are a few errors in names and dates; and John V. Van Sickle's *Planning for the South* was not published at Washington by the American University Press, but at Nashville by the Vanderbilt University Press.—H. C. NIXON.

New editions of texts are sometimes merely schemes to sell books. In the field of American government and politics, however, revisions are essential if the books are not to lose their usefulness. Texts in this field must be kept up to date in respect to new activities of government, new bureaus and divisions, transfers of agencies from department to department, consolidations, changes in title, new tax provisions, etc. The new (ninth) edition of Charles A. Beard's *American Government and Politics* (Macmillan, pp. viii, 872, $4.00) will not need revision soon again, however. This famous text (it has been a popular text in this field since 1910) has always been known for its emphasis on principles rather than practices. Even so, there is an emphasis on first principles and a return to fundamentals in this edition that is particularly striking. Dr. Beard is worried about the survival of constitutional government—as many others of us are worried—and has permitted this feeling of alarm to become a strong motivating force in the preparation of this edition. Hence, compared with this basic issue, descriptions of techniques of administration

and discussions about the distinctions between "bureaus" and "divisions" become trivial matters. Thus it becomes more important to explain the primary principles back of the income tax than to bring the student up to the minute on the provisions of the law itself. It is more important to understand the powers and obligations of the State Department than to know the latest rearrangement of divisions within that Department. Moreover, such matters of fact may be found nowadays in the frequently revised editions of the *United States Government Manual*. Symbolical of this emphasis is the one new chapter. It is entitled "The Quest for Responsibility in Government." In it Dr. Beard discusses the interrelationships of the Congress, the executive, and the judiciary and analyzes the powers and responsibilities of each. Professors William Beard and Wilfred E. Binkley assisted in the revision. They, together with the author, are to be congratulated on a job exceedingly well done.—E. ALLEN HELMS.

The literature on the returning veteran of World War II is already considerable. Willard Waller, in his *The Veteran Comes Back* (Dryden Press, 1944, pp. xvi, 316, $2.75), seems fully to realize the depth and comprehensiveness of the subject. His definition of the veteran is less tersely drawn than that of other writers and is more in accord with his presentation. In describing features and characteristics of veterans, it seems not easy to distinguish characteristics peculiarly attributable to veterans and those which may belong to the American, or group traits from traits which are general, The veteran group may be a pathological case group, but, also, are not other groups peculiarly so? This book, however, is an interesting and provocative discussion which will appeal to the general reader as well as to the serious student. The author takes the civilian through the transition into military life and returns him to civil life as nearly as can be with the development of an army "culture," and, returns him with a specialized and often misfit training, traits, and acquired attitudes, which, if not promptly and wisely dealt with, may embarrass and plague our society. Criticisms of past programs are offered and thoughtful suggestions are presented.—H. C. COOK.

FOREIGN AND COMPARATIVE GOVERNMENT

The thin pamphlet, *La Démocratie Française, Hier-Aujourd'hui-Demain* (Brentano's, pp. 79), by Roger Picard, [*Professour à l'Université de Paris et á* The New School for Social Research *de* New York], deals pretty largely, and best, with French democracy today and tomorrow. One may approve the philosophical tone of the development throughout, but only with constant and painful reminders that scarcely enough oxygen is being supplied for the flight through the stratosphere in the historical section. Why is it necessary to try to prove that "France has always been democratic in its spirit" in order to demonstrate that the men who exercized

power in France since July, 1940, are not democrats? Picard deems it expedient (p. 37), to cite the works of others as "more ample demonstrations" of his views on the history of the French democratic spirit. A person of careful philosophical disposition, anxious to grasp the Star—the real nexus of French democracy—will find it described on page 74: "These three essential principles of democracy, liberty, equality, fraternity, have a common foundation, which is respect for the human personality." The foundation is established, perhaps more thoroughly in France than elsewhere, but the actual realization of the last two, particularly the last, of the principles may be debated. Fraternity requires greater nourishment than eloquence, and we must still await that tomorrow in which Picard tells us (p. 78) that the French will know how to proceed with the purification of their political morals rather than with "*une épuration partisane.*" —J. G. HEINBERG.

Hitler's Words (American Council on Public Affairs, pp. xi, 400, paper, $3.25), edited by Gordon W. Prange, is a collection of significant excerpts from about two thousand of Hitler's speeches between 1922 and 1943, presented in readable translations mostly from the *Voelkischer Beobachter* and other German newspapers. The excerpts are grouped according to topics. Beginning with a chapter on "Pillars of Faith," the book carries the reader through such topics as "Versailles Is to Blame," "Strategy of Peace," "Culture Politics," "Wilson's Fourteen Points," and "Pluto-Democracies," and it ends fittingly enough with "Visions of Defeat" and the funeral oration to the Axis by which Hitler on September 10, 1943, broke a long period of silence. While Dr. Prange's method of dissecting speeches and printing portions of the same talk under different headings and without reference to the particular occasion might seem less desirable for some purposes, it has very definite value in facilitating a quick if not all-inclusive review of the Fuehrer's statements on any major topic. The change in tone of Hitler's pronouncements concerning the Soviet Union before and after August, 1939, and after June, 1941, is made obvious by this topical arrangement; here we have chapter and verse for one of David Low's famous cartoons. Frederick L. Schuman's introduction is well worth reading for his sensible observations on the larger aspects of the problem of Hitlerism.—GERHARD KREBS.

The Making of Modern Holland (W. W. Norton, 1944, pp. 224, $2.75), by Professor A. J. Barnouw of Columbia University, swiftly spans the "millenium of self-rule that dawned for the Netherlands around the year one thousand." Most of us know too little about many of our friends among the United Nations; this short history will give us considerable insight into the Dutch character. It is, in brief, the story of a respectable people, thrifty and industrious, "stubbornly attached to their individual

opinions and freedom of action." They neither planned it nor willed it; they were simply predestined to become "an independent, prosperous, and self-confident nation." In this little book there is no place for heroes and no time for swashbuckling. The course of political events is a neat chronology deftly outlined against the cultural, religious, and social background of the "work-a-day burgher world." Hooft, a seventeenth-century Dutch historian quoted by Professor Barnouw, remarked: "In this country the greatest changes were brought about through the instigation or at any rate the active compulsion of the common man." Writing from this perspective, Professor Barnouw perforce treats the tyrannies of Philip II, Louis XIV, and Napoleon as "incidents." Likewise the invasion of Hitler's hordes which suddenly terminated the liberal age of Queen Wilhelmina is but another "incident." Thus, the "stream of Dutch history, temporarily dammed and deflected by Nazi interference, will return to the bed which its free flow has cut across the ages." This is pleasant information and sincere historical interpretation.—MARION D. IRISH.

A pattern for subsequent allied military governments of occupied territories may be seen in *The Italy Gazette*, No. 1, a small octavo pamphlet of 42 pages containing the proclamations and general orders of the Allied Military Government of Occupied Territory and printed at the Allied Forces Headquarters Press, late in October, 1943. The fourteen proclamations, in English and Italian, of General H. R. Alexander, the general officer commanding the Allied Forces and Military Governor, are almost word for word identical with those in the three numbers of the *Sicily Gazette*, dated September 17 and October 20, 1943, and issued at Palermo. In most instances, the principal change is that the proclamations in the *Italy Gazette* are addressed "to the people of Italy" rather than "to the people of Sicily and adjacent islands." In addition to the general provisions of the first proclamations, the others deal with more specific topics such as war crimes, currency and exchange, allied military courts, the closing of financial institutions and establishment of moratorium, controller of property, dissolution of fascist organizations and repeal of laws, rationing, price-fixing, wages and agriculture, the *Gazette*, financial regulations, general police and security regulations, allied military lira, notes, and legal rights of the Italian people. The chronology of the proclamations presents some problems. October 15, 1943, is the date of the first, the general proclamation. The second, dealing with war crimes, is dated August 25, 1943. These two dates represent the extreme range in date of the other proclamations.—JAMES B. CHILDS.

One of the first reports on any part of military government operations in Italy seems to be that prepared by Brigadier General Edgar Erskine Hume, General Staff Corps, Chief, Military Government Section, Fifth

Army Headquarters (Senior Civil Affairs Officer), and printed at Rome in the late summer of 1944 under the title *Allied Military Government of Rome under the Fifth Army, 5–15 June 1944; Report to the Army Commander.* This volume of 146 pages describes the details of the various sections of operations at Rome, and includes the text of certain orders and notices issued by General Hume. The Report covers the brief period after the Fifth Army took Rome. Within a few days, the enemy had been pushed back, leaving Rome outside the combat zone. The Allied Military Government group for Rome was then taken over by the Allied Control Commission, and General Hume moved forward with the Fifth Army. As he mentions in the conclusion, "the Fifth Army always considered Allied Military Government as one of the sections of its General Staff, an attitude that greatly aided our work. The Allied Control Commission, which during the period of our planning absorbed Allied Military Government in Italy, was in technical control, and from that body we obtained material and personnel for the most part."—JAMES B. CHILDS.

Fichero de altos cargos is the title of a semi-official card-file directory of the government of Spain, published originally in the latter part of 1940 by Angel Estirado Pérez, an official of the Ministerio de Justicia, at Manuel Cortina 10, Madrid, and kept up to date by periodically revised cards. This takes the place of the former annual *Guía oficial de España*, publication of which was definitely suspended at the beginning of the civil war in July, 1936. The main arrangement of the card file *F.A.C.* is alphabetical by ministry, preceded by sections for the Jefatura del Estado, the F.E.T. y de las J.O.N.S. (the official party), and the Presidencia del Gobierno. Under each ministry and other main department, the cards are numbered so that the revised cards can be inserted easily as furnished. Under each agency is usually given the citation to the law or decree of establishment, and frequently to subsequent enactments, governing organization, and functions. The names of principal officials and of members of boards and committees are given, usually accompanied by reference to appointment as printed in the *Boletín oficial.* This indispensable tool of the Spanish government offices needs to be more widely known and used outside of Spain.—JAMES B. CHILDS.

In his *Faculdades implicitas de investigación legislative y privilegios parliamentarios* (Buenos Aires, Editorial Ideas, 1943, pp. 611), Manuel Andreozzi compares the situation in the United States with that in Argentina as a preliminary step toward legislation in the field when the Argentine Congress next meets. He enumerates the seventy Argentine congressional committees of inquiry, and deals with the principal ones. The practice of printing hearings, even of these special committees of inquiry, is rather infrequent. Usually the reports are printed in the *Diario*

de Debates of the Chamber of Deputies or of the Senate, and sometimes issued separately. The study takes up the problems not only at the national level, but at the state and provincial levels. The author, who is a professor of administrative law in the faculty at Tucumán, a former speaker of the Tucumán provincial chamber of deputies, and a former member of the Argentine Chamber of Deputies, has made a contribution which may be helpful in the understanding of the common parliamentary problems in the countries of the Americas.—JAMES B. CHILDS.

INTERNATIONAL LAW AND RELATIONS

Via Diplomatic Pouch (New York: Didier, 1944, pp. 248, $3.00), by Douglas Miller, outweighs in value some dozens of the books and some hundreds of the articles on Germany now in vogue, mostly containing empty generalizations about the character of the German people or about the development of ideas, or dishing out idle speculations about conditions in Germany after Hitler, or purveying uninformed and useless proposals on how to deal with the Germans after Hitler. This book, by contrast, deals with facts of the past only—economic facts of the rise and development of Nazism, as observed and reported via the diplomatic pouch by the author, a former Rhodes scholar, while he served as a commercial attaché of the American embassy at Berlin. It is in the nature of such reports that they are written in a very sober style and will therefore make no appeal to the mass of readers who want revelations and predictions without regard to truth. This is a truly historical book in the best sense of the word, i.e., in the sense that it tells, as far as the author could see it, what actually happened. It is a fine proof of the author's scientific honesty that in this reprint of diplomatic reports he has altered none of the wrong conclusions at which he arrived in 1934 as to Germany's future. At that time he reported that in his opinion the Nazi economic hocus-pocus could not last longer than about two more years and would then collapse through lack of exports and foreign raw materials and through financial chaos. His own later reports prove him mistaken in this, a mistake redounding to his credit, for it was caused by the assumption that the outside world would see as clearly as he saw from the beginning that "you can't do business with Hitler." The enlightened leaders of the governments and businesses of this world, however, were "in their generation wiser than the children of light, and did do business with Hitler. In his report of October 21, 1937, the author points out how Hitler was still getting along because the others were all eager to deal with him and to let him play off one against the other and exploit all and every one. In vain was the warning which Miller repeated ever and again after 1933, and which he made the title of the little book published in June, 1941: *You Can't Do Business with Hitler*. The book under review is a worthy pendant to the late Ambassador Dodd's *Diary*, although by the nature of its origin less personal and lively than

that diary, and at the same it is a fine antithesis to another important historical source on the same period, viz., the book by the late British ambassador Neville Henderson, *Failure of Mission*—the confessions of a diplomat who, like his superior, Lord Halifax, proclaimed that one could do business, if not with Hitler, at least with Goering.—ERIC DALE.

Most students of Far Eastern affairs know of Dr. Horace N. Allen as legation secretary, chargé d'affaires, and eventually minister at Seoul during the period from 1890 to 1905. In *God, Mammon, and the Japanese* (University of Wisconsin Press, pp. xiv, 362, $3.75), Professor Fred Harvey Harrington presents a full-length portrait of this one-time medical missionary whose diplomatic career in Korea covered the fifteen years in which that ancient kingdom was passing inevitably under the control of its Japanese neighbor. It is an interesting—at times even fascinating—but not altogether edifying, picture. From the record set forth by Professor Harrington, Horace Allen was thin-skinned and obstinate, with an unhappy tendency toward fighting with everyone with whom he came into contact. Sent from China to Korea by his mission board in the autumn of 1884, largely because of the fact that he had fallen into a controversy with his colleagues at Nanking, Allen seems to have got along nicely so long as he was the only missionary at Seoul. During the course of the next three years, however, a number of other missionaries arrived at the Korean capital, and Allen was at swords' points with all of them. Accordingly he resigned his post and accepted appointment as agent of the Korean government in the United States. Two years later, having received reasonable assurance of a post in the Seoul legation, he resigned from the service of the Korean government and returned to Seoul, once more as a medical missionary, there to await appointment. Even as a missionary, Dr. Allen had begun to take a hand in the political activities of the Korean capital, and his establishment in the American legation gave him almost unlimited opportunity for following his bent in this direction. As court physician—and consequently intimate personal adviser—to the Korean king, he exerted his not inconsiderable influence both in the field of international relations and in fostering the designs of his concession-hunting fellow-citizens. As a concession-hunter, Allen achieved some success, most notably in the acquisition of a gold mine from which the Oriental Consolidated Mining Company reaped an estimated $14,000,000 in profits before it was compelled, in 1939, to sell its holdings to the Japanese for $8,000,000. In the field of international intrigue, however, he was far less fortunate. Espousing the cause of Japan against China as a means of insuring Korea's independence from the Dragon Throne, he discovered—too late—that he was aiding King Stork to replace King Log and preparing the way for the advance of Japanese imperialism on the continent of Asia.—G. NYE STEIGER.

The preparation of a handbook on the people, resources, and industries of Japan in time of war has its difficulties. Clayton D. Carus and Charles L. McNichols have accomplished the task in their *Japan: Its Resources and Industries* (Harper, 1944, pp. xvii, 252, $3.50) by utilizing in the main materials gathered before the outbreak of war. Beginning with the advantages the Japanese derive from the geographic location of the territory they occupy, the book deals briefly with the composition and characteristics of the population, and passes on to a detailed analysis of the resources and industries of the country. A unifying thread running through the volume is the manner in which the army and navy have mobilized the materials at hand to carry on aggressive action abroad. The authors do not subscribe to the theory that the Japanese, when faced with the necessity of accepting a lower standard of living or of carrying on a program of military conquest, chose the latter course. The Japanese, they think, can achieve prosperity under a system of free economy, if relieved of the burden of their military establishment, by importing raw materials and exporting finished products. The people are themselves classified in the book as a natural resource. It would perhaps be better to limit the application of that term to materials which nature provides and the people use. The assertion that the intelligence of the Japanese is above the average of the human race as a whole may also be questioned. The book is intended as an introduction to the field it surveys. As such, it will have its uses. The factual data are carefully selected and interestingly presented; carefully chosen photographs add a human and at times appealing touch.—RALPH A. NOREM.

The story of the aggressive diplomatic moves of the Japanese upon the Netherlands Indies which preceded invasion of the country is told in *The Netherlands Indies and Japan* (W. W. Norton and Company, pp. 138, $2.00), by Hubertus J. VanMook. The Japanese sent two diplomatic missions to Batavia after the German thrust into the Low Countries. That they meant business is apparent from the composition of these missions. The first was headed by an envoy of cabinet rank. The Netherlands government appointed Dr. VanMook, then director of economic affairs in the government-general, as chief of the delegation to negotiate with the Japanese. The second mission, under the leadership of a member of the House of Peers who had been foreign minister, was sent out after the failure of the first. The book makes clear that the Japanese undertook to get what they wanted in the Indies without having to fight for it. It is made up of the texts of memoranda and notes exchanged by the delegations of the two countries, with explanatory comment by the author. The documents are, however, left largely to speak for themselves. The comment, although at times caustic, is on the whole rather disappointing. The author, being himself one of the negotiators, could seemingly have

said more than he here does. The negotiations ended in failure for the Japanese. They did not succeed in incorporating the Indies into their co-prosperity sphere by pacific means. They had to fight for what they got.—RALPH A. NOREM.

One of the latest additions to the "Reference Shelf" is *Canada and the Western Hemisphere* (H. W. Wilson Co., pp. 295, $1.25). These articles, compiled by Julia E. Johnsen, are devoted mainly to Canada's external relations. They reflect many attitudes, including the prime minister's small-power internationalism, the traditional loyalties and symbols by which many French and British Canadians are moved, and practical considerations that draw Canada close to the United States. The permanent character of the Canada-United States Permanent Joint Board on Defense is stressed in several articles, although the Ogdensburg agreement is not reprinted in the volume. It is significant that the lists here reproduced of Canada-United States intergovernmental agencies were originally issued by the Canada-United States Committee of the Canadian Chamber of Commerce and the Chamber of Commerce of the United States. The reader may be left wondering whether Sir Wilfrid Laurier was defeated in 1911 for being pro-American or whether for being pro-British, and he will probably feel that Canada is deliberately excluded from the Pan-American system. This little volume leaves a clear impression that some Canadians are isolationist, while others are interested both in North American collaboration and in world interdependence, but that they do not think in hemispheric terms. On the other hand, the very fact that the book has been published at New York in 1944 is evidence of the prevalence of hemispheric thinking in the United States.—W. HARDY WICKWAR.

Present-day interest in the United Nations Relief and Rehabilitation Administration makes most timely the publication, in March, 1944, of Hertha Kraus' *International Relief in Action, 1914–1943; Selected Records, with Notes* (Philadelphia: Research Center, pp. 248, $1.25). In order to provide a workbook for civic and religious groups, as well as for professional workers and interested students of international relief and foreign aid to social reconstruction, the author has summarized records from fifty-seven projects, representative of typical situations which occurred during two devastating wars, and the intervening period. Seven records cover services during World War I, twenty-three relate to problems of reconstruction from 1919 to 1923, fourteen refer to the interim era, thirteen deal with questions originating in the present war. One-fourth are from unpublished sources, reports or case studies made by field workers. The three major sections are: I, Providing Basic Protection: aid to Belgium and Red Cross work for war prisoners; II. Building Community Services: methods of providing food and clothing, housing, proper health services,

child care, aid by employment, education and recreation, leadership; III. Relocating Displaced People: problems which resulted from migration, repatriation, population transfers, and group resettlements. The material was taken from a variety of foreign locations, two-thirds being from twenty-three European countries. The remainder was distributed among the Far East, the Near East, North Africa, and South America. The fifty-seven records illustrate the work of twenty-seven agencies. These are listed, with brief historical sketches and other pertinent data in a section of twelve pages. An extensive bibliography is included.—MONA FLETCHER.

Robert T. Oliver's *Korea: Forgotten Nation* (American Council on Public Affairs, pp. 138, cloth, $2.25, paper, $1.50) is propaganda with a two-fold purpose. First, it tries to influence the American public to support the promise of Korean independence given in the Cairo Declaration, and, second, it attempts to create a favorable impression for that Korean government-in-exile whose head resides in the United States. A good job has been done in both particulars, and, considering the inherent defects in such an opinionated study, an amazing amount of history and background is presented. The volume is concise, but gives enough information for the ordinary person to form the desired opinion. It may fittingly be filed with the flood of informational materials issued by all the anti-Axis nations during the present conflict.—ANDREW E. NUQUIST.

POLITICAL THEORY AND MISCELLANEOUS

American social theory, academic and popular, of the half-century before the first World War would be incomprehensible without an adequate appreciation of the influence of concepts transplanted from Darwinian biology. In his *Social Darwinism in American Thought, 1860–1915* (University of Pennsylvania Press, pp. viii, 191, $2.50), Richard Hofstadter has written a brief but valuable account of the growth and decline of this influence. He traces the growth in the 1870's and 1880's of American enthusiasm for the doctrines of Darwin and Spencer, alluding to religious as well as to scientific reactions. He devotes a separate chapter to Spencer's principal American follower, Sumner, but others, such as John Fiske and Edward L. Youmans, are not neglected. Hofstadter points out that, while the struggle for existence, the survival of the fittest, and the theory of automatic progress were ideas congenial to American believers in unrestrained competition ("American society saw its own image in the tooth-and-claw version of natural selection"), Darwinism was intrinsically socially neutral. He gives an excellent summary of Lester Ward's anti-Spencerian theory of social evolution. Another chapter carries us rather breathlessly through a miscellaneous group of dissenters, from the Social Gospel leaders to Henry Wallace. Hofstadter treats Pragmatism with its reaffirmation of men's ability to control their environment,

as a reaction against Spencerian determinism and "the counterpart in abstract philosophy of the Progressive faith in democracy and political action." By the end of the first World War, and partly as a result of a general reaction against any philosophy of force and imperialism, Social Darwinism, he says, had largely disappeared; he does not regret its departure. This is a critical and discriminating study. One might wish that the author had more frequently related the ideas he examines to the earlier American rationalist tradition, but this does not detract from the value of what he has chosen to include.—JOHN D. LEWIS.

In his *Freedom from Fear* (Harper, 1944, pp. 254, $2.50), Louis H. Pink outlines the interrelation of domestic and international programs for future economic security. His work is divided into three parts. In Part I, which he devotes to a discussion of freedom from fear and from want and the right to work, his thesis is that economic insecurity lies at the base of all social and political unrest, national as well as international, and that the remedy for this lies in a wider governmental program including all types of social insurance. Appointed by Governor Smith as a member of the state housing board and later superintendent of insurance of New York State, Mr. Pink is now president of the Associated Hospital insurance plan, and speaks with the authority of an expert in the field of housing and insurance, to a discussion of which he devotes Part II of his book. Here the reader finds a clear, concise, eloquent exposition of all forms of social insurance as well as concrete suggestions for the improvement of social security programs, based partly upon the Beveridge Plan and partly upon conclusions drawn from the writer's own experience in this field. Here we find a terse and simple discussion and explanation of the meaning of socialized medicine and a review of all that has been done in the field of social security both at home and abroad, with an evaluation of the progress made. The conclusions in Part II are the product of long years of experience; Part III, on the other hand, is largely theoretical and concerns itself with the implications of international planning for social security and world peace. The writer feels that social security can be lasting only when domestic and international plans are correlated. Like most writers of today, Mr. Pink is concerned about postwar planning for economic security on a world-wide scale. He feels that the peace of Europe lies in a federation of states and in an economic policy resting upon what he terms four pillars of peace, by which he means an international tariff union, loans for food and industry, currency stabilization, and international banking. This is a timely volume of practical interest to the general public. The style is fluent and readable and for the political scientist Part II is of distinct value as pointing the way to a future broad policy of economic stabilization and security.—ELIZABETH A. WEBER.

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AND
MARJORIE H. SIBLEY
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